

*The*

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"LIGHTFOOT WAS DE HORSE DAT SOT MISS POLLY OFF SO."—PAGE 130.

# The K. K. K.

By C. W. TYLER.



SECOND EDITION.

"Who would bear—the law's delay—  
when he himself might his quietus make  
with a bare bodkin."

HAMLET.

NORTH RIVER PUBLISHING HOUSE

161 BANK STREET



NEW YORK.

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## PREFACE.

Few intelligent persons in this country can have failed to note the rapid growth of mob law among us in the last few years. Formerly the punishment of offenders was the business of the courts, and illegal executions in the name of justice never resorted to except in rare instances when some deed of peculiar atrocity stirred an entire community to frenzy. Now human beings are frequently sent out of the world by hasty assemblages of excited men, not only in open defiance of the authorities but often where the offense charged would not have been punishable with death under the law. In some instances, to our shame as a people be it said, the irresponsible mob has burned helpless captives at the stake, thus introducing into an enlightened country a practice hitherto unknown except among the most cruel savages.

Surely, the time has come when serious enquiry should be made into the causes back of this rapidly growing evil, with the view of staying its further progress if possible. Having been for a number of years the judge of a court in my State with criminal jurisdiction, I have become convinced that the only reason why good citizens countenance mob violence is that they have lost faith in the ability of the courts to deal effectually with crime. They weary of the delay attending criminal prosecutions, and the frequent failure of justice in the end exasperates them. If this be true then the remedy for mob law is to substitute for it speedy trial, and prompt punishment, of all offenders through our regularly established courts of justice. In dealing with criminals we had for the present better err on the side of too much despatch than to pursue further the procrastinating methods that have awakened a protest in the minds of thousands of the soberest men in the country, and brought some portions of our wide republic to the verge of anarchy.

In framing the present story it was my purpose to show on the one hand how easily the vengeance of a mob may be misplaced, and

on the other how provoking to the patience of those interested in the suppression of crime and the preservation of order must be the progress of a modern criminal trial as it drags its slow length along through the courts. Some of the incidents here narrated are real, others fictitious, and I have endeavored to weave them all into a story that while carrying a moral with it would not be without interest to the general reader. The name of the book, I may add, was taken from that of a secret society which soon after the close of the civil war was organized in my community for the purpose of administering speedy justice to evil-doers at a time when this end could not be attained through the courts. The title, therefore, when chosen was not without significance to me, though doubtless it will be meaningless to most of those who glance over my pages.

I am aware of the fact that this story lacks the polish it would have possessed had it come from more skillful hands. It was written however for the honest purpose of striking at a grave existing evil, and, such as it is, I send it forth without apology, hoping it may find a few friends among the millions of readers in this great country, and be in the end productive of some good.

THE AUTHOR.

July 27th, 1903.



# THE K. K. K.

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## CHAPTER I.

IN WHICH THE READER IS TAKEN TO A GOODLY LAND AND INTRODUCED TO PLEASANT COMPANY.

IF you ever take occasion to descend the Cumberland River by steamer from Nashville, Tennessee, you will observe on the right bank of that picturesque stream, not far from the rapids called Harpeth Shoals, a rolling tract of highlands extending for some distance along your route, and stretching as far back into the interior as the eye can reach. This highland territory is known to the dwellers within its borders, and the good folk of the region roundabout, as "The Marrowbone Hills." It embraces a considerable expanse of country, but as it recedes northwardly narrows some distance out from the river into a long and precipitous neck of upland, which for some mysterious reason has been dubbed "Paradise Ridge." I say for some mysterious reason this rugged elevation has been so designated, but the old settlers thereabouts will tell you that the "movers" trekking from Carolina and Virginia, a hundred years ago, and encountering this formidable obstacle in their path, named it "Paradise Ridge" in fine scorn. Lumbering farm wagons, often a dozen or more together, constituted the transportation trains of that early period, and to surmount this frowning barrier with such a vehicle, well laden with wife, children, and household goods, was a feat scarcely paralleled by the notable one of Bonaparte's crossing the Alps. In spite of vigorous application of the lash, and the liberal use of profanity, the desperate teams often stalled here on the upward climb, and when the summit at last was reached and the descent on the opposite side begun, the situation was found to be changed by no means for the better.

Notwithstanding locked wheels and constant tugging against the breeching on the part of the hindmost mules, the conveyance now went forward at headlong rate, bumping against huge boulders, and scattering the fearful housewife's plunder, with now and then a few of the children, promiscuously along the route. Oftentimes spokes and tires were smashed, axles broken, or tongues shattered, and it took days to mend up and start afresh on the journey to a new home in the wilderness. All this was in the good old times that we dream so fondly about, and which nobody in his senses would like to have restored. The railroad from St. Louis to Nashville now cleaves in twain this exasperating Paradise Ridge, and the sleepy traveler may glide smoothly down from Ridgetop to Baker's, at the foot, without ever being aroused from his nap.

The Marrowbone Hills, however, lie back of the narrow ridge just described, which stretches out from among them like the crooked handle of a gourd. The hill country proper is a pleasant land, where moderate heights and fertile valleys, wooded tracts, cleared fields, and running waters greet the eye of the traveler in agreeable diversity. The soil, even on the steep hillsides, yields a fair return to honest labor, and the atmosphere, owing to the general elevation of the country, is bracing and healthy nearly all the year round. The plain farmer folk who till the earth and spend their days here seldom achieve, or aspire to, great wealth, but they constitute a manly class, who hold their heads up, and generally manage—as they themselves frequently boast—to get through life without begging, borrowing or stealing.

Close to the borders of this hill region may be seen a singular succession of high conical mounds, called knobs; and beyond these stretches a broad, level expanse of country as productive and beautiful to the eye as ever the crow flew over. In this lowland territory the dwellers are more pretentious than on the hills, and the soil for the most part is cultivated by negroes. These, as elsewhere at the South, constitute a class to themselves, and would prove more satisfactory as laborers but for their unfortunate propensity to shift their dwelling-places with a frequency that is discouraging to the landowner, and oftentimes baffling to the would-be collectors of poll-tax. As it is, the relation between the two races is by no means unkindly, though the negroes are a little too suspicious of the good intentions of the whites, and the latter, as a rule, too prone to charge up to the inferior race all offenses of

whatever description that cannot be immediately traced to some other source.

At the time when my story begins—for I may as well confess now to the gentle reader that it is my purpose to inflict upon him a narrative in which fact is more or less mingled with fiction—there stood within the confines of the hill country, but not far from the border line, the substantial log house of an old woman who had dwelt there in peace and comparative comfort nearly all her days. She owned a snug little farm about her home, or, rather, had a life interest in the property, for the fee at her death vested in her granddaughter, a comely girl of some eighteen years, who dwelt with her. The old lady, Mrs. Susan Bascombe, was altogether illiterate, but honest, independent, courageous beyond most of her sex, and possessed of a fund of native good sense which stood her often in hand when mere “book l’arnin’” would have been of no avail. She was quite an original character—this Widow Bascombe, as she was usually called—decidedly sharp-tongued when she fancied occasion demanded, but as a general thing kindly in her deportment toward others, and very popular with her neighbors.

Her granddaughter and namesake was, I make bold to say, as handsome and spirited a damsel as could have been found within the length and breadth of the Marrowbone Hills, or, for that matter, within the whole country far and near, without restriction of territory. The father and mother of the girl had both died when she was a wee thing, and left her to the care of the old lady, who had raised her, and endeavored to train her up in the way she should go. As she grew to womanhood the neighbors about did not fail to note that she had inherited from her grandmother a tall and shapely person, and that she resembled the old widow also in being the possessor of a strong character, of which self-reliance constituted the principal trait. In one particular the girl had decidedly the advantage of the elder female, and that was in the matter of education. She had trotted back and forth as a child to the rough log school-house in her neighborhood—wagging often under a load of books that would have borne her down if she had not been strong for her years—and had so acquired smattering information upon many subjects and genuine knowledge of a few. She was quick witted, like her grandmother, and very ambitious, so that the pupil who stood above her in her classes was required to rise early and retire late. At this backwoods insti-

tute little Sue Bascombe, having no sensational novels to devour, acquired a taste for solid reading, which she afterward cultivated at home in the midst of increasing household duties. By the time she had donned long skirts and abandoned her school satchel she was quite a superior sort of young person, mentally as well as physically, and could more justly have been deemed thoroughly accomplished than many a graduate from a famed city academy.

The house where the two women dwelt was a double log structure with an open passageway between the lower rooms, such as are still quite common in that part of the country. It was a story and a half high, and the two contracted apartments above were used, the one as a general lumber room, the other as a snug dormitory, where the grateful wayfarer was allowed to repose in a fat feather bed, with about six inches of breathing space betwixt his nose and the well-seasoned rafters overhead. The genteel room of the mansion was below and across the open passageway from that occupied by the widow and her granddaughter. This special company room had great brass dog-irons on the hearth, in the well-scrubbed knobs of which one might detect his own countenance dancing about when the fire was briskly ablaze. There was a high-post bed here, with a canopy overhead, which was seldom occupied, and indeed was kept more for ornament than utility. A young man of scholastic attainments and solemn demeanor boarded with the family during the pedagogic months of the year; but though he was permitted to use the company room for chat and study during his sojourn, he was required always to betake himself to the cuddy apartment upstairs when bedtime came. He was now absent upon his summer vacation, whiling away the time with some distant relatives who had consented to supply him with food and lodging for the benefit of his society.

The schoolmaster being away, the old lady and her granddaughter were left alone in the house, but they were not apprehensive of danger or specially lonely, for they were not timid, and had come to derive a good deal of comfort from each other's society. Besides, there were kindly neighbors scattered around them, and visits from one or more of these was an almost daily occurrence. On the widow's farm, about a half-mile from the dwelling, a negro named Sandy Kinchen lived in a single-room cabin with his wife and one child. His closest friend was a little dog of the fox terrier variety, and the general opinion in regard to them both was that they were no better than they should be.

This Kinchen, with his dog at his heels, would tramp the country all night in search of 'coons and 'possums, or on worse business, but could seldom be induced to tread a corn furrow or tobacco row by day with the view of paying his rent or earning a support for his family. He was indeed a worthless fellow, and little thought of by the neighbors, many of whom expressed surprise that the old widow would suffer him to loaf about on her premises. Leaving his laziness out of the question, however, no worse was suspected of him as yet than that he cherished an undue fondness for watermelons not grown in his own patch and chickens that roosted away from his wife's henhouse.

At the time of the year which I write—it was an evening in early June—the leaves on the trees had but recently come to full growth, and there was a newness and freshness about the verdure everywhere that presently would be dulled by the scorching heat of summer and the dust from the roads and fields. The sun had just disappeared behind the crest of a high hill that loomed up immediately back of the old farmhouse, and a deep shadow had crept across the yard and was now encroaching upon a little piece of meadow land that lay in front beyond the highway. Sue Bascombe had stood for some minutes in the open doorway of the family room, looking down the road toward the level country, as if she expected some one to approach from that direction. Near the center of the room her grandmother sat in a split-bottomed chair smoking a cob pipe. Early as the hour was the two had supped, and all evidences of the evening meal had been cleared away. The girl stood in the open doorway with her arms folded and her head resting carelessly against the framework on her right. She was trim and square-shouldered, with a good suit of black hair and eyes to match. A stranger could not have failed to notice the striking resemblance between herself and grandmother, notwithstanding the great disparity in their ages.

"You needn't look so hard, Sue," remarked the old lady, removing the pipe from her mouth as she spoke. "Looking won't fetch him, child."

"I'm not trying to fetch him," answered the girl, with a trace of resentment at the insinuation. "If he doesn't want to come he can stay away."

The old woman laughed. "Somebody would have a fit of the blues if he did," she replied, and began sucking at her pipe-stem again.

The girl made no answer. Her grandmother smoked on in silence a while longer. Then she continued between whiffs: "Wal, wal, honey, I ain't a blamin' you for bein' a little anxious. I 'members the time when I'd a been anxious too ef my beau hadn't turned up jess at the very minute he sot. Gals is gals; gals is gals."

"I'm not anxious, Granny," remarked the young lady in the doorway.

"Naw, you ain't, and yit you is. Wal, wal, I used to be a gal myself, and I finds fault with no person for bein' a gal. Times has changed though sence I was a gal. Laws a mussy, jess to think how times has changed. The Pearsons, they used to be regular highflyers, and your grandpappy, you know, he was a overseer——"

"I hope he was a good one," interjected Sue, who had family pride of the right sort.

"That's what he was," replied the old woman promptly. "He was giv' up to be the best in all the country. Up and down, fur and wide, there wa'n't no better overseer than Lemuel Bascombe, and them that says to the contrary tells what ain't so. Times has changed though, as I was a sayin'; times has changed. Laws a mussy, jess to think of it! This here world moves round and round; and some goes up while some comes down. That's a true word as ever was spoke. Your grandpappy, Lemuel Bascombe—folks called him Lem for short—used to oversee for Ran Pearson's daddy. That was in the old times, child, the old times. One lived at the big house then and t'other at the quarter. I remember it all as well as if it had been yistiddy. Mighty stuck up, I tell you, was ole Miss Pearson, Ran's mammy; mighty stuck up; mighty stuck up. When she driv by in her carriage she hilt her head high, and was jess as like not to speak to a body as to speak. Proud she was, I tell you, and her ways was ways of grondeur. That was in the long time ago, and now here's her own dear son a hitchin' his hoss at my gate, and a comin' in to keep company with my granddarter. Wal, wal; will wonders never cease?"

"He needn't come, I'm sure, unless he wants to," retorted Miss Sue, tossing her head.

"Mighty uppish, mighty uppish," replied old Mrs. Bascombe, surveying her granddaughter, however, with considerable pride as she spoke. "Wal, wal; we'll let bygones be bygones—that's the best way. Ran Pearson is a clever fellow, Sue; and it never

hurt anybody yit that he come of a good fambly. Even a dog of good breed is better'n a low down cur. Ran is a gentleman, a gentleman born, and a gentleman in his ways, and them what says to the contrary tells what ain't so. To be sho, to be sho, he's gittin' along now to be considerable of a old bachelor, considerable of a old bachelor, but he can't help that."

"He's not forty yet," replied the girl.

"Ef he ain't," replied the old woman, "he's so nigh thar ain't no fun in it. Lemme see," taking her pipe from her mouth to reflect, "come thirty-nine year next November—or was it thirty-eight? But that's neither here nor thar. Ran is old enough to be stiddy, and yit he ain't hurt with age. That much anybody can say for him and tell no lie. He hain't put on specks yit, and he's still supple in his j'int's; but he's gittin' along, gittin' along, Ran is. Ef him and a right spry young chap was sparkin' the same gal, I'm afraid he'd git left; but when it's a race 'twixt him and a poke-easy fellow like the schoolmarster—I'll lay my last dollar on Ran"

"The schoolmarster, fiddlesticks," rejoined the young lady impatiently. "Who's thinking of him?"

"Ah, never mind, never mind," answered the old woman. "I tell you what——"

"What does he care for me, I'd like to know?" interrupted the girl.

"He cares a heap for you," replied her grandmother, "and you know it as well as you know you're standin' thar."

"He wouldn't give a page of his dry Latin and Greek for the best girl in Marrowbone Hills," said Miss Sue.

"He'd put all his books in a pile and burn 'em for Sue Bascombe; and you needn't let on like you don't think he would," replied the old lady.

"He's downright stupid," cried Miss Sue from her place in the doorway. "He's stupid as an owl, for all he's so dreadfully wise."

"He's a fine young fellow," answered old Mrs. Bascombe, "and the best gal in the country might be proud to git him."

"I wouldn't give a snap of my finger for him," said Sue, suiting the action to the word, and snapping her middle finger sharply against her thumb.

"You mout go further and do wuss," retorted the old woman,

who never allowed herself to be worsted in debate if she could help it.

What further would have followed between these two high-spirited females must forever remain a matter of conjecture, for at this moment the sound of a horse's feet was heard up the road and the girl abruptly left the doorway. She lit a candle that stood on a little shelf against the wall—it was now growing dark in the room—and taking up a brush and comb began to arrange her hair. She did not need to primp much, for she had been expecting her visitor, but a few touches at the last moment are never out of place. The mirror before which she stood was an old-fashioned looking-glass, with two ships depicted at the top, sailing over a singularly blue sea. About half her figure was reflected in this, and she had no reason to be dissatisfied with the hurried inspection she took of her person. After a few moments spent in tidying, she blew out the candle, and, crossing the open passageway into the spare room, lit a lamp that stood on a center table there. The old woman, without invitation, arose and followed her. She was fond of company, and she didn't believe in leaving unmarried people of different sexes to themselves. She took her seat in a large arm-chair by the lamp and began knitting industriously, rocking back and forth as she did so. Sue went to the window curtains and gave them a shake, though there wasn't anything specially the matter with them. She then searched the corners of the room with a keen eye for cobwebs, but none were visible. A step was now heard in the passage, and afterward a rap on the bare floor, made with the heavy end of a riding-whip or the heel of a boot.

"Come in," cried Sue.

The visitor who entered at this invitation looked to be forty years of age, if he wasn't. The hair on the summit of his head was decidedly thin, so much so that his pate glistened through it in places, but it could not be fairly said as yet that he was bald. His face was serious—a good, honest face, one would say—and in manner he was rather retiring. Indeed, there was a sort of stiffness about him as he returned their salutation, which indicated that he was not entirely at ease in company; and this perhaps was the highest compliment he could have paid those on whom he had called. It was convincing proof that while the old woman might have considered it a half-condescension on his part to visit them, there was no such idea predominant in his own mind. Randolph Pearson always felt somewhat constrained in the presence of fe-



males, for he had never been a society man. His father had been wealthy, but extravagant, and the son at his death inherited from him a comparatively small patrimony. He had added to this materially, however, by frugality, sobriety, and strict attention to his business, and by pursuing this course for a number of years had finally won for himself among the good ladies of the vicinity the double reputation of being a desirable catch and a confirmed old bachelor. He had begun casting a wistful eye upon the Bascombe girl while she was yet tramping to and from the country school-house, loaded down with books. When she grew up to be a young lady, and a handsome one to boot, he made bold to call upon her, and as this was a startling step for a man of his habits, his first visit set the tongue of rumor wagging in his neighborhood most industriously.

Between two entertaining females Mr. Pearson managed on this occasion to while away the time quite agreeably. He discoursed with the old lady about the best method of protecting her fowls from varmints, and the safest preventive against the ravages of the potato bug in the garden. He listened politely while she indulged in reminiscences of the days when her husband—Lem Bascombe, folk called him—was overseer for his father.

"Terbacker brought better figgers them times than nowadays. All you had to do was to haul it to the river, and it floated down natural to New Ileens. Now it's got to be loaded on the steam cars, and drug across the country away off to New Yark, and that costs money. Three acres of terbacker them times was a average crop for a field hand, and he had to tend it or take the consequences. Now, bless your life, niggers is too genteel to sile thar fingers with suckers and horn worms. 'Stidder puttin' in thar best licks on the farm, they go trapesing about with guns, shootin' rabbits, and plottin' all manner of devilment agin the whites."

Miss Sue was a party to much of the above promiscuous talk, occasionally agreeing with her grandmother, sometimes taking issue with her stoutly. Now and then a subject was sprung where the discourse for a time was necessarily between the damsel and her steady-going wooer, but on the whole it would have been difficult to tell from the drift of the talk whether Pearson's visit was to the old lady, the young lady, or the family. He remained until nine o'clock—which is considered honest bedtime in the Marrow-bone Hills—and when he took his departure the girl accompanied

him out to the stile block. There presumably they had some chat of a nature customary and proper between bachelor and maiden who contemplate establishing between themselves a firmer and more lasting union. Even this confidential confab, however, was of no great duration, and, after the lapse of a further half-hour, the visitor mounted and rode away.

The girl stood at the fence till the sound of the horse's feet had died away in the distance. Then she walked slowly back to the house. She fastened the windows down in the spare room, extinguished the light and locked the door. This done, she crossed the passageway to the apartment occupied by herself and grandmother. The old lady had preceded her and was now preparing for bed; but the girl took her stand again in the open doorway, as she had done in the early evening. The night was pleasant, and not very dark. There were stars a plenty in the blue vault of the sky, but no moon.

## CHAPTER II.

## A MIDNIGHT ALARM.

THE girl stood in the doorway and looked up at the sky and out into the dim night for some time. "Somehow, I feel lonesome to-night, Granny," she said, after a while, without turning her head. "I wonder what's the matter with me?"

"Go to bed, go to bed," said the old woman, "and git up early in the mornin', and let's have breakfast betimes."

The girl made no reply, but continued looking out across the little meadow in front of the house. She could discern dim outlines beyond, but no objects could be distinguished. A screech owl, from a dead tree in the wood, set up its harrowing cry.

"Heigho," said the girl, after a silence of some minutes, "somehow I feel lonesome to-night."

"Go to bed, go to bed," repeated the old woman. "Thar ain't but two ways to drive off a lonesome feel. One is to drap off to sleep and furgit it; t'other is to lay to and work like the mischief."

"What was that Mr. Pearson said about the robbers breaking into Lipscombe's house and stealing his watch and money?"

"He said they done it, that's all."

"Tramps?" inquired the girl.

"Niggers," answered the old woman. "I know in reason they was niggers. In these parts they is gettin' wuss and wuss. They always would take little things when nobody wa'n't lookin'. Now they break in at night, and rob, and murder, and the Lord knows what. I dunno what the country is a comin' to."

"It was last Saturday night, he said."

"Yes, Sadday night, Sadday night. That's the devil's own night. Low-lived folks makes out to kinder behave theyselves during the week, but let Sadday night come, and they loads up on mean whisky and plays the wild. Whisky and the devil go together, and have done so sence the world begun."

"This is Saturday night, Granny."

"So 'tis, so 'tis. I clean forgot. Wal, mark my words; the next time you read your paper you'll find whar some devilment's been did to-night. Thar was Abe Staudfield, for an insty, a ridin' home on a Sadday night, and shot down dead from a cornder of the fence. Johnny Allbright was tuck up for it, and it went pooty hard with him."

"Did they hang him?"

"Naw, naw; naw, naw. They seesawed, and seesawed, 'twix' courts and courts with him. They drug him here and thar, and lawyers, judges, witnesses and clerks, all sot on him more times 'n I've got fingers and toes. They worried him till his head turned gray, and atter so long a time 'mongst hands of 'em they got all his money and turned him loose."

"Is he dead now?"

"Dead, child, dead. I seed him atter he was laid away in his coffin, and thar wa'n't none of the trouble in his face that they said the lawyers and judges had writ thar while he was passin' through the deep waters. Dead and gone, dead and gone these many years is Johnny Allbright, like so many more I have know'd in this sorrowful world."

The screech owl, from the dead tree in the wood, repeated its tremulous, plaintive cry again and again, again and again.

"Come to bed," said the old woman, who had already lain down. "Ye ain't a goin' to stand thar all night, be ye, Sue?"

The girl stepped back into the room and closed the door. She undressed in a few minutes, knelt down and said her prayers, and retired for the night. There were two beds in the room. Her grandmother occupied one in a corner near the door, she the other on the opposite side of the room. By her bed was a window, which was often left open on sultry summer nights. The sash was raised now, but the blind was closed.

The screech owl, from the dead tree in the wood, kept repeating its mournful cry. At regular intervals its pitiful plaint broke the stillness of the night again and again, again and again.

"I wish it would quit," cried the girl after a while, in the darkness. She had been endeavoring in vain to compose herself to sleep.

"Some say the thing sees hants," replied the old woman. "For my part, I don't believe in no sich. If livin' folks will let me alone I ain't afeered of the dead ones."

"It makes my flesh creep," said the girl, impatiently. "I believe I'll go out and shoo it away."

"Go to sleep, go to sleep," replied the old woman. "Don't be skeered out of your senses by a night bird. Screech owls has been hollerin' around this house for thirty year and no harm ain't befall us yit."

The old woman dropped into a doze and then into profound slumber. The girl continued restless and wakeful in spite of herself. She counted a hundred backwards, fixed her mind on uninteresting subjects, tried all the plans she had ever heard of for wooing sleep, but her faculties remained keenly alive to all that was passing about her. The night bird at last flew away. Its constantly recurring plaint came no more to startle her and banish repose from her pillow. Other sounds familiar to the night succeeded, but these smote not so discordantly upon her ear. An old cow on a neighboring farm bellowed a long time, presumably for her missing calf. So far away was the sound that it was mellowed by distance, and, though vexed a little at first, she was finally soothed by it. Fainter and fainter grew the note, till now it died away entirely. Either the anxious call had ceased to float over field and timber land or the drowsy ear of the maiden had grown too dull to catch it.

It was now past midnight, and the occupants of the old house were both asleep. In the immediate vicinity, and through all the region of the Marrowbone Hills, stillness reigned, broken only by the usual noises of the night. From some lonely farmhouse the hoarse bark of a watch-dog arose occasionally to warn unseen intruders away. An old rooster, safely perched among the pullets in his henhouse, awoke, crew drowsily, and went to sleep again. A prowling fox near by turned his ear toward the inspiring note, hesitated a while, then trotted off down the deserted road, his stealthy footfall giving back no sound. Through all the region of the Marrowbone Hills almost unbroken stillness reigned.

Suddenly, penetrating for a long distance the quiet of the night, the shrill cry of a human being arose. It roused in an instant all those upon whose startled ears it fell, for it was unmistakably the cry of a woman in distress. Many of those who heard it left their beds, and in more than one habitation opened their doors to listen. The note of alarm rose the second time, more vehemently than at first, but abruptly ended, as if cut short by some violent agency.

Now the sky above the place from which the wild cry of distress had come began to glow faintly. Soon it became a dull red, then brightened, and all the heaven was lit. Long streaks of light climbed next toward the zenith, and a ruddy blaze leaped high amid a thick volume of ascending smoke.

Those who had been called hurriedly from their beds were at no loss to determine the spot from which the flames arose. The old Bascombe house was on fire.

### CHAPTER III.

#### SWIFT RETRIBUTION FOLLOWS A FEARFUL CRIME.

“HANG him! hang him! hang him!”

The captive negro struggled for a while in the midst of the crowd of infuriated white men. Then he paused and gasped for breath; then, by a sudden wrench, jerked himself loose from the strong hand that had gripped his collar and fled into the darkness. Over the yard fence he leaped like a deer, down the road, then out across the meadow, scarcely touching the earth with his feet, he fled for his life. His wild burst of speed was vain, for the angry mob was at his heels, their determination to avenge as strong as his to escape. He had on no coat, but the foremost among his pursuers seized his loose shirt and snatched him violently backward to the earth.

He was a slim, black fellow, rather undersized, with low forehead, and manifestly of no high order of intelligence. Whatever guilty impulse might have prompted him a few hours before, abject terror alone possessed him now. His teeth chattered, his eyeballs seemed about to start from their sockets, and his hurried glance from side to side showed that he meditated another break, and another desperate rush for liberty, if the slightest opportunity should again be presented.

It is wonderful how quickly news of a startling nature flies in a neighborhood where the means of communication are slight. Scarcely two hours had elapsed since the flames took possession of the Bascombe house, and now dozens of excited men were tramping the earth about the place, and more were coming in every minute. Those who first reached the spot after the alarm was given found the building nearly destroyed, and old Mrs. Bascombe at some distance away, unconscious from a fearful wound on her head, but still alive. She had evidently been closer to the flames, for her lower limbs were badly burned, and her nightgown had been partially consumed by fire. Hurried search was made

about the premises, and an ax was picked up with the blade all bloody. This, they made sure, was the weapon with which the fearful gash on the old woman's head had been inflicted.

Sue Bascombe was by her grandmother's side when the first visitors reached the scene of the tragedy, and to these she related with singular calmness the startling incidents of the night. As she lay after midnight in light slumber, she was suddenly awakened by steps on the floor of the open passage between the two lower rooms of the house. The next moment, without preliminary knock or demand for admittance, some heavy object was dashed violently against the door leading from the passage into the room which she and her grandmother occupied. There was a slight interval and then a second blow, more violent if possible than the first, was delivered. Old Mrs. Bascombe, who was uncommonly active for one of her years, arose and made for the door near her bed, which opened into the front yard. As the quickest method of egress for herself the girl undid the bolt of the window close at hand and leaped through the open space into the back yard just as some one entered the room over the fragments of the shattered door. She saw at a glance the outlines of a man's figure, but it was too dark to distinguish features. Not knowing how many others were behind the intruder, and supposing her grandmother had escaped, she followed the instinct of self-preservation, and fled into the thick copse that covered the hillside behind the house. She ran in her bare feet over the rough stones, how far she hardly knew. Then she stopped for breath, and, as she did so, heard the old widow's uplifted voice that alarmed the neighborhood. Without hesitation she started back to her relief. Then the second outcry arose, which was quickly suppressed, and for a time all about the house was still. The girl stole softly down the hill now, till she almost reached the yard fence. Flames from the burning house lit up the space around; she heard hurrying footsteps, voices, and the bark of a dog. Determined at all hazard to ascertain her grandmother's fate, she ventured forward and found the old woman lying senseless on the ground a little way off from the burning dwelling. No one else was near, for the brutal assailants, whoever they were, had fled from the scene of the crime.

This was the tale Sue Bascombe told to those who, roused by the fire and the wild cry in the night, hurried to her ruined home. She was herself barefooted and in her nightgown, but clothing was



soon brought for her from the house of the nearest neighbor.

Old Mrs. Bascombe lay out in her yard, unconscious, and apparently near death's door. They gave her whisky, sent off for a doctor, and applied such palliatives to her wounds as were at hand. Little else could be done, however, except to stanch the flow of blood from her head by liberal applications of cold water, and to lessen temporarily the pain of her burns by the use of wet bandages. Presently, under the influence of the liberal stimulants that had been administered, she began to revive.

"Did they ketch him?" she cried suddenly, opening her eyes wide, and striving to rise. "Whar's Sandy Kinchen?"

They crowded about her and listened for more, but the effort had exhausted her, and she sank into a stupor again. A man at her side took her by the arm and shook her rather roughly. She opened her eyes again and stared at him. He stooped down and asked in a loud voice though his face was close to hers:

"Say, do you hear me?"

"Yes," she answered, staring blankly at him.

"Did you see Sandy Kinchen?"

"Hey?"

He repeated the question, and she gazed at him for some moments longer. Then she replied in a low tone, but distinctly:

"Yas, I seen him."

"Was he here? Is he the man that done this devilment?"

She had sunk into a stupor again. He shook her by the arm, but she made no answer. He shook her again more roughly, but she only uttered unintelligible words.

"Let her alone, let her alone," cried those standing around. "Don't worry a dying woman. Hang the man that committed this outrage. Catch him and hang him."

Then another one of the crowd spoke up, addressing Sue Bascombe:

"Did you say you heard the bark of a dog?"

"Yes, I heard that," replied the girl.

"Was it Kinchen's little dog?"

She hesitated and turned a little red in the face. "I—I thought so," she replied, "but I will not say that."

"Hang him, hang him, hang him!" now the cry arose on every-hand. "Hang the scoundrel that did this murder!"

In a few minutes dozens of men were scouring the country for

the negro tenant whose name the old woman had pronounced, and whose dog was known to be his close attendant upon all occasions. They went at once to the cabin where he dwelt, but he was not there. He had left soon after dark, his wife said, with the little dog, and she had not seen him since. Presently they came upon him hiding behind a tree, not far from the spot where the old woman lay. With blows and curses they dragged him to the scene of his crime. It was with difficulty that some of the more hasty among them were prevented from killing him on the way.

The widow Bascombe was still in a stupor when they drew nigh. The doctor, who had just arrived, felt her pulse, and said she had but a brief while longer to live. Her breathing could scarcely be detected, and there was no speculation in her wide-open eyes. Her ghastly wound and scorched limbs cried aloud for vengeance.

The infuriated crowd pressed about the negro and strove to snatch him from the few having him in custody. "Hang him, hang him, hang him!" cried a dozen voices at once. "Burn him, burn him!" demanded others. "Throw him into the old house and burn him to death!"

"Ho-ho-hole on, gin'lemen!" exclaimed the shaking culprit, as the yells of the mob assailed him. "Ho-ho-hole on; hole on. Ye gwine too fast. Ye is in fack; ye is in fack. Dis here ole lady—dis here—dis here ole lady——"

"Tell the truth, damn you" cried an angry man, shaking his clenched fist at the culprit. "What are you stuttering about?"

"Yas, sir; yas, sir; yas, sir. I is gwy tell de trufe. 'Fo' God, gin'lemen, I is gwy tell de trufe."

"Have you been here before to-night?"

"Has I been here before to-night? Has I been here before to-night? Has I——"

"Can't you hear?" thundered the man who had before accosted him. "Speak quick and tell the truth or you're a dead nigger."

"Yas, sir; yas, sir; yas, sir, I is gwy tell de trufe. 'Fo' God, gin'lemen, I is gwy tell de trufe."

"Have you been here before to-night?"

He looked from one to another of those about him. Then he lifted his voice and proclaimed vehemently so that all might hear:

"'Fo' God, gin'lemen, I has not."

"The widow Bascombe told a damned lie then when she said

you had?" cried the exasperated individual who was interrogating.

"Yes, sir; yes, sir. Ef she said dat she tole a damn lie. Ef she said dat she tole a damn lie. Sho's yer born, gin'lemen. Sho's yer born."

They dragged him toward the burning-house, as if to cast him into the fire. It was then he managed to break away and flee for his life. When recaptured, some loudly demanded that he be burned to death, but the less savage among them prevailed. They tied his hands and took him some distance away from the spot where the old woman lay. They found a deep hollow in the wood, known as Gallows Hollow to this day. Some one had procured a strong rope from a neighboring stable, and a noose at one end of this was slipped about the prisoner's neck. He was lifted from the ground by dozens of hands and placed on the back of a gentle horse belonging to one of the party. The animal was brought to a stand directly under a stout limb branching out nearly horizontally from a scrubby tree, and an active fellow climbing up to this limb fastened the loose end of the rope to it. The malefactor sat on the horse shivering, grimacing, turning from one to another in the surging mass about him as if he hoped to find a pitying face. More than once he essayed to speak, but the voice of the angry crowd drowned his own. Finally, when he saw they were about to lead the animal from under him, he broke again into wild and incoherent talk.

"Ho-ho-hole on, gin'lemen; ho-ho-hole on. You is fixin' to do the wrong thing. You is in fack. You is in fack. Now I'm gwy give you de trufe. I'm gwy give you de Gawd's trufe."

"Tell it then. Tell it. Tell it," came from a hundred throats.

"Yas, sir; yas, sir; yas sir. I was dar. I was dar. I drug de ole lady out'n de fire. Dat's de fack. Dat's de fack."

"You told an infernal lie then when you said just now you hadn't seen her, did you?" asked one, sneeringly.

"Yas, sir, I did. Yas, sir, I did. Sho's dar's breff in my body, gin'lemen, I tole a infernal lie. I tole a infernal lie."

At this a great uproar arose. Many were instant with loud voices: "Hang the scoundrel! Hang him, hang him!"

"Ho-ho-hole on, gin'lemen. Ho-ho-hole on, for Gawd's sake."

A young man, apparently fresh from school, had been regarding the prisoner for some moments with painful interest. He

seemed to be a stranger, for he had as yet spoken to no one, and was dressed with more care than most of those about him. He looked over the turbulent throng now, and with some hesitation lifted his voice and sought to attract attention to himself.

"Gentlemen," he cried in a loud voice that trembled a little from excitement, "please listen to me a moment. We are about to do a very rash thing here to-night. I'm afraid we are about to do a very rash thing. Would it not be well to make a thorough investigation of this matter before we take a step that cannot be retracted?"

At this there was silence for a moment or two. Then some one in the crowd propounded the not unnatural inquiry: "Who are you?"

"My name is Robert Lee Templeton," replied the youth in a tone that showed he derived some satisfaction from imparting the information. "I do not live in your county, but being by accident in this neighborhood to-night, I saw the fire and came to it. Now, gentlemen, I submit to you again that we should do nothing rash here to-night. In so grave a matter as this we should proceed like sober-minded citizens. This negro fellow most probably deserves hanging, and if you'll turn him over to the authorities at the proper time, and in the proper manner, he'll get his dues. If he is the perpetrator of the fearful crime committed to-night, hanging is a mild punishment for him. But it does not follow that he should be hung right up here to this limb without any sort of investigation. For us to take the law in our own hands thus will bring reproach on the entire community. Besides, gentlemen, when you come to think of it, you will see that such a course must encourage all evil-disposed persons in your midst to bad deeds. When you trample the law underfoot, you teach them contempt for the law."

The young gentleman had a persuasive manner, and a clear voice that penetrated a good way. His nervousness added to his earnestness and drew toward him a considerable portion of the crowd. There is always a disposition in a promiscuous and excited assemblage to follow any one who chooses to constitute himself a leader. Most of those present on this occasion were moral, law-abiding people, not inclined as a rule to heed rash counsel, but greatly wrought upon now by the shocking crime that had just been committed. These were disposed to listen to the speaker, and a few drew close to him to catch his words more distinctly.

"Why have a law?" continued Templeton, earnestly, "and not live up to it? This fellow, I say, may be guilty——"

"Thar ain't no doubt about it," interrupted a voice from the crowd. "Not a bit—not a damned bit," echoed others.

"Very well," replied Templeton, "then there can be no doubt about the fact that he'll be hung by the sheriff as soon as his guilt can be established in the court. Let the law take hold of him right now. Surely there ought to be some sort of deliberation when the life of a human being is at stake. Let the coroner or some legal officer take charge of this man, swear a jury and inquire into this transaction right here on the spot."

"What do yer want with the curriner?" inquired a rude fellow in the rear of the assemblage. "Thar ain't nobody dead yit."

Templeton looked rather blank at this, and another individual in the crowd undertook to enlighten him. "Coroners sists on dead folks, young fellow. You've got to have a corpse afo' you can summon a coroner's jury."

At this a laugh arose at the young man's expense. It was evident he was losing his hold upon the fickle crowd. He recovered, however, from the temporary confusion into which he had been thrown, and was about to continue his plea for deliberation and more thorough investigation, when another speaker a few steps off waved his hat over his head and broke in vehemently:

"Why are we wasting time here, men, listening to this school-boy talk about turning this scoundrel over to the courts and the lawyers? Who is it doesn't know what that means? Who is it wants to see him wrangled over for years, and finally, maybe, go scot free on a quibble? This is no time for child's play. We've got all the proof we need, and right here, right now, we ought to deal with him. Has the old Bascombe house been burned or not? Has the good old lady there been butchered with an ax or not? Did Sue Bascombe have to run off barefooted to the woods to escape the clutches of this devil or not? Did old Mrs. Bascombe give this nigger's name to us or not? Did his dog bark and give him away while he was murdering her or not? What are we fooling away time here for? Who dares to talk about courts, and lawyers, and dilly-dallying now? Do we want our homes burned at night over our heads, our good old women murdered in cold blood, our daughters hiding in the bushes from human devils? Talk about wasting a lifetime in the courts over a case like this—haven't we got sense enough to deal with this brute as he deserves?"

If a tiger was loose in the community would you catch him, and take him to the law, or would you kill him wherever you found him? I tell you, men, it makes my very blood boil——”

But they stayed no further question. From all sides came fierce demands for the negro's death. “Kill the brute, kill the brute! Hang him, hang him, hang him! Let the horse go! Drive the horse from under him!” These and other furious cries rent the air, and the mob surged to and fro like a storm-beaten sea.

The young man who had called himself Templeton did his best to lull the tempest that had been raised. He lifted his hand high and shook it vehemently in the effort to obtain once more a hearing. He lifted his voice on high and shouted with all his might: “Hold on; hold on! One word more. Give me one word more.” In the midst of the tumult there seemed still a few who favored moderate counsel. “Hear the young man; hear him,” cried one or two persons in the assemblage. “Hang the damned nigger. Hang him; hang him!” shouted a dozen others.

A brutal-looking fellow here forced his way into the center of the tumultuous crowd. He was a ruffian whose appearance would have attracted attention anywhere. He wore no hat, and his shaggy head of reddish hair was set on broad, stooping shoulders. His dirty matted locks almost hid his low forehead and his scowling eyes were so badly crossed that they both seemingly never rested on the same object at once. His arms, like those of an orang-outang, appeared too long for his body and were manifestly of prodigious strength. In his right hand he held a stout branch, which he must have wrested from some tree as he came along, and this he held uplifted as high as his long arm could reach, giving vent at the same time to hoarse, loud cries, as if to strike terror into the animal on which the pinioned negro sat.

The infuriated crowd noted the ruffian's conduct and greeted him with a yell of approval. “Strike the old horse, strike the old horse!” cried first one and then another. “Hurrah for Cross-eyed Jack,” shouted others. The fellow looked about him and grinned, flourishing his branch at the same time in such a way as to set the horse nearly wild.

Templeton implored a minute's delay; a few about him cried, “Hold, hold,” but the ruffian who had been applauded as Cross-eyed Jack brought down his branch with all his might on the withers of the excited horse. With such strength did he wield his

long arm that the blow was heard on the uttermost verge of the assemblage. The maddened animal plunged forward, nearly overturning the man at its head, and ran until it was halted several yards away. The desperate negro clutched the body beneath tightly with his legs, but at the first bound his frail hold was broken, and he swung to and fro in the air, suspended by the neck from the strong limb above him.

Templeton, when he saw what was done, fell back from the harrowing scene. He and a few others who had urged delay were hustled unceremoniously aside, while the ruder spirits of the mob crowded to the front, treading on each other's feet in their anxiety to view the death agony of a human creature. They were not bad men—most of those who had hurriedly assembled on this occasion. It was such a crowd as might have been gathered together on short notice almost anywhere, north, south, east or west, in this great country. They were fearfully wrought upon by the horrible crime that had just been committed, but let the whole truth be told. Mob law had more than once of late been resorted to in their community, and brutalized by its exercise they were eager actors now in a scene from the mere contemplation of which they would at one time have shrunk in horror. Man in the moments of his loftiest inspirations may be a creature but little lower than the angels, yet the fierce instincts of a rude ancestry lurk still in his nature, ready at any unguarded moment to drag him down and make a savage of him.

The malefactor died a lingering, apparently a painful death. In his prolonged struggle his feet more than once touched the foremost of those who pressed about him. They stood by, for the most part in silence, noting closely every movement, every contortion of his suffering frame. A few had savage satisfaction at the pitiful spectacle depicted in their countenances; a few wore painful expressions; the majority seemed to be animated by no stronger feeling than curiosity at a novel sight.

After life was extinct the bystanders gradually fell back and separated into groups, discussing the outrage that had been committed, and justifying the prompt punishment of the offender. When the space immediately around the corpse had thus been cleared, a small dog, till then unnoticed, crept tremblingly forward, and crouching humbly under the negro's feet set up a mournful howl. Of all present the little creature was the dead man's only friend, and its desolate note ascended so sorrowfully that it touched the hearts of the rudest spirits in the assemblage. The

ruffian known as Cross-eyed Jack, however, seemed stirred to ungovernable rage by it. Rushing forward with his stout branch uplifted he aimed a blow at the dog that must have ended its existence if it had fallen as intended. Fortunately the little animal became aware of the danger in time, and springing nimbly aside fled with a yelp of mingled rage and terror from the scene.



## CHAPTER IV.

### THE OLD WIDOW TELLS A PLAIN, UNVARNISHED TALE.

DAY was breaking when the mob finally dispersed. One by one they had ridden away after the purpose that assembled them had been accomplished, a few only lingering until the reddening east warned them off. Before the sun rose the last loiterer had retired from the scene, leaving the dead negro alone in the woods.

The birds now began to twitter cheerfully and to spread their wings and fly from place to place in the forest. One perched upon the limb from which the lifeless body hung, and by discordant cries called others to view the grewsome sight. As the day advanced human creatures came again upon the spot. Dressed all in their Sunday best—for it was the Sabbath day—they came now in groups of two and three, gazed curiously at the suspended corpse and went their way to church or to some place of country pastime. Little boys crept softly to the spot, supped their fill of horror, and stole, open-eyed and open-mouthed, away. As the noon hour approached, the number of visitors so increased that a path was beaten from the highway to the spot where the dead man with his arms pinioned swung to and fro. They stood about and talked, but touched not the body of Sandy Kinchen; for while a mob of excited men might hang him up, none but the law's officers could take the responsibility of cutting him down.

It was nearly night when the coroner came. He rode gravely into the assemblage and made several circuits on horseback round the corpse before he dismounted. He had been notified early in the day that a dead man hung in the woods near the old Bascombe place, but official duty, or something else, kept him away. Perhaps he thought if he responded to the notice too promptly he might obtain more information than he cared to possess. Now he rode round and round the fatal tree, dismounted, looked into the faces of the promiscuous assemblage, and said it was a bad business. He then took a well-thumbed New Testament from his pocket,

swore in seven of the bystanders as jurors and proceeded to hold an inquest. Numerous witnesses were called, all of whom swore positively that they knew nothing at all about the matter in hand. Most inclined to the belief that the body now hanging stark and stiff from the limb was the body of the late Sandy Kinchen, but upon this there was some divergence of opinion. Some said it was Sandy; others said no, but it looks like him. All doubt on this point, however, was soon set at rest by Reuben Kinchen, brother of Sandy, who, being brought to the spot, testified without hesitation that it was the corpse of his younger brother, Sandy, swinging from the limb. The coroner then prepared his return, setting forth the fact that he and the seven jurors had viewed the body of a man there hanging dead before them, who had come to his death by violence at the hands of some person or persons unknown. The return further set forth the fact that the body of the man so hanging dead before the jury they found from all the evidence to be that of one Sandy Kinchen, a man of color. All the jurors signed this report, and the body of Sandy Kinchen was then cut down with the coroner's own knife. Reuben, who stood respectfully by, was now notified that he might take his brother Sandy off somewhere and bury him, the law being through with him.

Perhaps it occurred to Reuben that the law would have been more efficient if it had taken hold of Sandy's case in his lifetime, but if any such notion came into his head he was wise enough to keep it to himself. He remarked, as he gently straightened out his brother's legs, that his mammy had tried to raise the boy right, and that they had never known him to be guilty of such a trick before.

"He played hell when he did make a break," said one of the jurors, "and got just what he deserved for his conduct."

"I ain't 'sputin' dat, sir," replied Reuben, meekly. "Dem what sins must suffer."

Then they fell to abusing the dead man in the presence of his brother, who responded not at all. When they laid the lifeless body in a cart to be hauled away, Reuben took off his hat and said to those present: "It looks bad for Sandy now, gentlemen, but I hopes you all will believe me when I tells you that afo' this we never know'd no wuss of him than that he would go meandering up and down the country of nights."

So they took Sandy Kinchen off and buried him; and from that

## The Old Widow Tells a Plain, Unvarnished Tale. 31

time forth he meandered no more up and down the country of nights. Whatever might have been thought otherwise of the action of the mob, it had at least cured him of this reprehensible habit.

Old Mrs. Bascombe held on to life bravely. The doctor thought when he first saw her that she could not live an hour, but she lay in a stupor most of the following day, muttering and babbling constantly, and occasionally uttering when aroused a few coherent words. It was thought best not to attempt to remove her from the spot where she was found, and a tent was improvised of stout cloth and set up over her. The young man who had called himself Robert Lee Templeton, and who seemed to be a handy youth as well as an obliging one, attended to the erection of this tent. He stretched it overhead so as to ward off sun and possible shower, looped up the walls so as to allow free passage for the air, and did his best in every way to add to the comfort of the desperately stricken creature who lay underneath the shelter. Sue Bascombe, the granddaughter, and most of the kindly neighbors took a fancy to him, for nothing else except sympathy and generosity of disposition could have prompted him to the course he was now pursuing. His home, they learned, was in an adjoining county. He had just graduated from college, and some errand of business or pleasure had brought him into the Marrowbone Hills at this time.

As the day advanced the old woman seemed to revive, and her mind cleared up considerably. The physician said the improvement in her condition was only temporary; that for the present she was buoyed up with fever and brandy, but in a short time her system would relax and the inevitable would follow. However this might be, she certainly was better and brighter late in the afternoon following the infliction of her wound.

Toward sundown she called for food, and some chicken broth having been administered by her granddaughter, she wiped her mouth with the sleeve of her gown and seemed disposed for conversation.

"Have they kitched him?" she asked in a low tone, her head turned in the direction of Sue.

The girl nodded to her in reply.

"Whar is he?" inquired the old woman. "I want to see him."

"They had him here last night," said the girl, evasively.

"Why didn't they let me know? I wanted to talk to the low-lived scoundrel."

"They asked you about him, Granny. You talked about him last night. Don't you remember?"

"I wa'n't in my right mind," replied the old woman. "Fetch him here now. I'm all right now. I want to see him, and I want him to see his work."

The girl made no answer.

"Has they jailed him?" inquired the old woman, again addressing her granddaughter. "Wal, its all right, I reckon; all right, I reckon. I'll be thar at the trial, though. You kin count on that."

She looked around now from one to another of those about her, and inspected curiously the tent that had been erected above her. She picked at the light coverlet that had been thrown over her, which two old women in attendance whispered each other was a bad sign. She dozed a little, then roused suddenly, and spoke again to the girl:

"Sandy is a good nigger," she said to her granddaughter. "I tell you he's as good as they make 'em."

The girl looked at her in surprise.

"He's as good as they make 'em," repeated the old woman. "Whar would I be now but for Sandy?"

There were some half-dozen persons in the group, and they all eyed her inquiringly.

"Whar's Sandy?" continued the old woman, looking from one to another of them. "I don't see him amongst ye. Thar ain't no occasion for him to be makin' himself skerce. He didn't make himself skerce las' night when he drug me out'n the fire, and he needn't make himself skerce now. Fetch him here; I want ye all to hear me tell him how much I'm 'bleeged to him for runnin' up at the nick of time and draggin' me out'n the fire. He's a nigger, I'll own to that, but, nigger or no nigger, I'm beholden to him for what he done for me, and I want to tell him so. A friend in need is a friend indeed, as the school chillern write down in their copy-books. Tell Sandy to step in here; I want to see him." him."

A portly, middle-aged matron—one of that numerous class whose delight it always is to impart unpleasant intelligence—here leaned over, and, speaking slowly and distinctly, said to the old woman:

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"They hung Sandy last night to a black-jack tree up yander on the side of the hill."

"Done which?" inquired the old woman, as if unable to at once grasp the full import of the words she had heard.

"They hung him," repeated her informant in a higher key. "They hung Sandy last night sho's yer born."

"What fur?" asked the old woman in astonishment.

"Fur murderin' uv you; and a burnin' your house; and a runnin' Sue off to the woods."

"Wal' now, ye hev did it," exclaimed the old woman with more strength in her tone that they thought she could command. "Ye are jess a passle of idjuts, that's what ye are. To think ye'd hev no more gumption than that, no more gumption than that."

"Mrs. Bascombe," said Templeton, seeing she was becoming too much excited, "don't worry over the matter. You are not exactly at yourself just now. We did hang him because he committed an outrageous crime, but don't trouble yourself now about it."

"Ye did hang him, did ye?" exclaimed the old woman, tauntingly. "Wal, I 'lowed 'twas some sich smart Aleck as you. Whar'd you come from, anyhow?"

Seeing that his presence exasperated her, the young man retired. The old woman now looked at her granddaughter, and into such familiar faces as she saw about her. "Hev they hung him sho nuff?" she inquired.

One or two said "Yes," others nodded their heads by way of assent. Then the old woman railed at them from her pallet on the ground.

"Ye've gone and hung Sandy, hev ye? Wal now, s'pos'n' ye take me out and hang me. Ye hung him for draggin' me out'n the fire; now hang me for bein' drug out'n the fire. Hung Sandy, hung Sandy! Wal, ye are jess a passle of idjuts, the last one of ye. And tell me what ye did to Cross-eyed Jack, will ye? I s'pos'n' ye turned him a loose, and gin him a chromo."

"Cross-eyed Jack?" inquired the woman who had first spoken. "What about him?"

"What about him? No wonder ye ax what about him. He bu'sted my door open in the middle of the night, sot my house on fire, split my head open with a ax, and skert Sue nigh out'n her senses. That's all he done. So now jess give him a chromo,

and turn him aloose. Do that, and then come finish your job by hangin' me to a black-jack tree 'longside of Sandy. Jess do that now; do that, and I'll take it as a favor. Go 'way from here, all of ye! she cried with sudden indignation. "Go 'way, I tell ye. I don't want to lay eyes on none of ye no more."

"Granny, Granny," said Sue, soothingly, and she gave her some quieting medicine. The old woman lay in silence for a few moments, then she spoke out again:

"Let 'em go away; let 'em go away. I don't want to lay eyes on none of 'em again. Betwixt white folks that don't help in time of trouble, and niggers that does, I'm on the side of the niggers. Wal, wal, wal, wal! The idjuts hev gone and hung Sandy, hung poor Sandy. Hung him to a sour apple tree, as the sayin' goes. No, it was to a black-jack tree this time, a black-jack tree. Wal, wal, wal!"

"Mrs. Bascombe," began Templeton, hoping to get a connected story from the old woman.

"I don't keer to hear another word from ye," she interrupted emphatically. "Ye needn't speak a single solitary word to me. Smooth talk ain't a gwine to fetch that nigger back to life; so hold your tongue, and save your manners. But I tell ye now, young fellow, some things kin be stood, and some is too aggravatin' to be stood. Ye've hung a good nigger for befriending a lone widder, and when I'm up from here I'm going to have the law on the last one of ye."

"Did Sandy Kinchen befriend you?"

"Did he? Hain't I jess told ye what he did? Do ye want me to begin at the fust, and tell it all? Wal, I will. Here come Cross-eyed Jack, a low-lived scoundrel, slippin' up to the house, with me dead asleep, and the gal, I s'pose, a cat-nappin'. Afo' anybody know'd what he was about, he slams the ax agin the door with all his might. Right 'pon top of that comes another lick; the door flies open, I jumps up, and the gal pops out'n the winder. Bein' young and spry she pops out'n the winder, and runs up the hill, I make no doubt, like a wild turkey. I was fust on the floor, and I makes for the yard door as fast as I kin, as fast as ever I kin. I got clean out, and most down to the big road, when I looked back and seed a great blaze in the house. Mebbe that devil, Cross-eyed Jack, drapped a match accidental huntin' about for me and Sue. Mebbe he sot the room a fire a purpose—I dunno, I dunno. He's none too good to do sich a

thing, and I b'lieve he sot it a fire a purpose. Anyhow, thar was a bright blaze by the time I got a little piece off from the house. When I seed that I couldn't stand to have my things burned up, so I turned back and fotch'd a yell to 'larm the country. 'Hush,' he says, 'you old——' and with that he called me a bad name, which—bein' a church member—I'm not a gwine to mention."

"Granny," interrupted Sue, "you're talking too much. Be quiet now a little while, and then you can go on again."

"Never you mind; I know what I'm 'bout. Gimme another taste of that liquor, gal. Lawful sakes, whar was I? Hung Sandy, hung Sandy; yas, yas. Here he comes bustin' towards me, and he calls me a owdacious name, and I says to him, 'I know ye, and I'll have the law on ye, ye cross-eyed scoundrel.' Them's jess the words I said, and right at——"

"Granny, Granny, you're talking too much."

"Never you mind, gal. I'm a tellin' it for the benefit of them that's gone and hung Sandy. 'I know ye,' says I. 'I know ye.' With that he raised his ax, and with that I fotch'd another yell, and with that—Lord, have massy 'pon me—he hit me right squar' on the head, and knocked me cold as a wedge. Then I s'pos'n' he tuck to his heels and leff them parts. And befo' I come to right good I thought of Sue a runnin' from that cross-eyed devil. It was on my mind, on my mind. And when I come to—laws a massy, laws a massy—the house was a burnin' and the smoke and fire a rushin' out at the door, and me not able to move. I reckon ye wouldn't a liked that, none of ye, and yit, that's jess the identical fix I was in. Presently there was a little dog barkin', barkin' and a sniffin' round me. And presently here comes a feller runnin'—I heerd him, I heerd him—and he grabs me, and he drags me out'n the fire and smoke and off from the house. I'm a givin' it to ye straight. Whar's them that hung Sandy? Let 'em come forrards and listen. He was a nigger feller, this here feller was, and I don't in jeneral bemean myself by 'sociatin' with niggers, but this time I was glad for a while to 'sociate with niggers, I kin tell you. Whiles he was a draggin' me out'n the smoke and fire, and the dog was barkin', barkin', I opened my eyes, and I looked at the nigger feller hard, and it was Sandy Kinchen; neither more nor less, nor yit any other pusson but Sandy Kinchen. I knowed him well; I seed him good, and I tell you 'twas Sandy Kinchen; the very identical nigger that this here young smart

'Aleck, and a lot of other smart Alecks, has gone and hung to a black-jack tree. And the little dog that was barkin', barkin', I seed him good, too, and I tells you 'twas the identical little dog which keeps company with Sandy, and which everybody calls Jeneral Beauregard, sich bein' the outlandish name Sandy guv him."

"Granny, Granny!"

"Lemme 'lone, I tell you, gal. 'Twas Sandy Kinchen, I tell you, which you know'd as well as I did, and never know'd no special harm of him, nother. He put my gown out, which was afire; and he looked at my head, which was split open, and he seed the blood a spurtin' and a streamin' every whicher way, and he says—the nigger did, I heard him plain—'Gawd A'mighty, what shill I do?' Then I says to him, 'Run for the doctor, Sandy,' and with that he run, and the dog run; and I hain't seed nary one of 'em sence. Hain't seed 'em; hain't seed 'em. Did they hang the dog, too? Now I wonder if they hung the little dog to a black-jack tree, becace he was around, and jess as deep into it as Sandy. Lord, Lord, to think of what they have gone and did; jess to think of it; jess to think of it."

The doctor here came in and felt her pulse. She did not seem to have been weakened by her effort. Indeed, her voice was stronger now than at any time since she received the injury.

"Mrs. Bascombe," said Templeton, kneeling by her, "you've surprised us all very much by your story——"

"No wonder," interrupted the old woman. "But that ain't a gwine to git you out'n the scrape you're in; I tell you that."

"Mrs. Bascombe," pursued Templeton, "are you perfectly certain it was the man called Cross-eyed Jack who struck you? You may not be living when the court meets, and——"

"Me not be living when the court meets? I hain't no notion of dyin', young feller; I tell you that. You summons me to the trial and I'll be thar."

"Could you swear positively to the man who struck you?"

"Kin I swar to him? I'd swar to him on a stack of Bibles high as the house he burned. Hain't he worked in my gyarden, and 'bout on the place? Work, did I say? I'll take that back. He jess only piddled 'round, and made believe to work. Didn't he make bold to set up to Sue, and didn't she snub him the wust kind? Didn't I have to turn him off at last for a lazy, cross-eyed, impudent rascal? Me not know him when he faced me last night? You summons me to the court house when the trial comes off, and



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I'll p'int my finger at him, and tell him all I've told here, and more besides. I'll give him the whole truth right to his ugly face, and he dassn't deny my words. I'll swar to it all before judge and jury when the time comes; see if I don't, see if I don't. You summons me to the court house, young feller; I'll be thar."

One of those who had been a willing participator in the untimely taking off of poor Sandy, here asked:

"Why didn't the nigger come back to you after he'd gone his errand?"

"Oh, I dunno, I dunno. Mebbe he come in sight and was afeared to venture up. You all was tearin' round, I reckon, mad as blazes, and when a mob is on a rampage in these parts, the smartest thing a nigger can do is to hide out. Ef I'd a been in Sandy's place you never would a laid hands on me, I tell you that. Whar he played the fool was in lettin' himself git caught."

"He told us he hadn't seen you," persisted the speaker. "He lied about having been here at all."

"Oh, I s'pos'n' he did," rejoined the old woman, impatiently. "Ef he had 'fessed to being here, ye'd a hung him for that; but he lied about it, and so ye hung him for lyin'. You was bound to have a hangin', that's a fact, and wa'n't very particular whose neck was pulled. Ef 'twa'n't easy to ketch the right man, ruther than wait ye'd string up the wrong man. When you fellers git started, you're like young dogs on a hunt; you'll chase any kind of game, jess to be barkin' and runnin'."

To this the individual who had provoked the old woman's sarcasm did not deem it prudent to reply.

"The next time you all gits up a mob," she continued, addressing him, sneeringly, "you better git a sensible woman to head you. Wimmen is jess as excitable as men, but they ain't so bloody-minded."

After this she became quiet and dozed for a half hour or more. When she awoke they gave her a stimulant, and she seemed calmer and more cheerful. Seeing Templeton's face among those near her, she addressed him in a good, strong voice, and in a not unkindly tone:

"I'll be at the court house, young feller, by the time you and Cross-eyed Jack gits thar; don't you be nowise oneasy."

"You're better, ain't you, Granny?" queried Sue.

"Yes, I'm better," answered the old woman, "and I mean to keep on gittin' better,"

She remained quiet now for some time, and then spoke, again, to no one in particular :

" They was bound to hang somebody, and so they hung Sandy Kinchen."

Shortly after this she dropped again into a doze, which soon deepened into sound slumber. She slept and slept lying quite still, and breathing now heavily, now more and more peacefully. The doctor said it was a good indication, and quietly they all slipped away from her presence, lest they might disturb her. When shortly before midnight Sue Bascombe crept back into the tent, and looked narrowly in her face, she had joined Sandy Kinchen in the land of the leal.

## CHAPTER V.

A GRIEVOUS MISTAKE HAVING BEEN MADE CERTAIN WELL-DISPOSED PERSONS DO THEIR ENDEAVOR TO RECTIFY IT.

THE old woman's tale spread through the community almost as rapidly as intelligence of the startling crime had done the night before. The excitement, which had begun to die out, was kindled afresh, and by nightfall a large crowd was again assembled on the ground where the house had stood. They lingered in groups about the decaying embers and discussed earnestly the latest developments in the shocking tragedy. All regretted now the untimely taking off of poor Sandy, and, as was natural under the circumstances, nearly every man displayed a disposition to shift the responsibility for this melancholy blunder from his own to the shoulders of some one else. This individual never had acquiesced in the hasty action of the mob, but, being timid about speaking in public, had not raised his voice in protest against it. Another had actually spoken out in favor of caution and a more thorough investigation, but in the general hubbub that existed at the moment nobody had overheard him. Every one who knew anything favorable in Sandy's career now hastened to tell it, and the verdict of the previous night that he was a deep-dyed scoundrel was reversed almost as hastily as it had been rendered.

If expressions of sympathy, however, had now taken the place of execrations in the case of the unfortunate negro, exactly the opposite was true with the individual known to most people thereabout as Cross-eyed Jack. This fellow had been one of the ring-leaders in the frenzied assemblage that had done an innocent man to death for a fearful crime. Not only so, but he alone of all present knew the man was innocent who was being made to atone for the monstrous wrong done. This Cross-eyed Jack, they were all agreed now, was a diabolical scoundrel who should be compelled to suffer the agonies of a thousand deaths, if such a penalty could be inflicted upon him. What, burn a dwelling at midnight ; murder

an inoffensive old woman in cold blood; compel a young girl to hide from him like a partridge; and then hurry an innocent man to death for the crimes he had himself committed! Do all this, and expect to escape the vengeance of a deeply outraged community! Where was he? Where was he? Mount your horses, you good men, and hunt the scoundrel down. Catch him, catch him, catch him! this malignant devil in human shape; and hang him, draw him, quarter him, burn him, send him out of the world as soon as he is caught by the very roughest road any mortal creature has ever been forced to travel. This was the angry sentence entered up against Cross-eyed Jack as the infuriated crowd stood around the ashes of the old Bascombe house, and contemplated their own work of the night before, and the shocking depravity of the wretch who had been foremost among them in the enterprise upon which they nearly all at the time were so heartily bent.

The villain who was now the object of their fierce wrath perhaps deserved all the anathemas that were being hurled against him, and more besides. In appearance he was such a man-animal as one may imagine roamed the earth millions of years ago when human beings first began to claim ascendancy over four-footed creatures. In disposition he was, if possible, even uglier than in face or figure. No human being is perhaps wholly depraved, but if there was a single redeeming feature in the character of this surly scoundrel, his mother had never been able to discover it. He was of foreign parentage, as his name, Johan Ankerstrom, indicated, but had been reared in the lowest quarter of one of our large American cities, from which he had been finally compelled to withdraw because his frequent infractions of the law had placed him on too familiar terms with the police. A few months before the tragedy at the Bascombe place he had drifted into the Marrow-bone Hills, and wandering about, working at odd jobs, he became known by sight to many of the good people of that section. His name being unusual—and a little more than mouthful for some of his new acquaintances—they had saddled upon him numerous aliases, such as Cross-eyed Jack, Dutch Ankers, etc., for all of which the callous Johan cared no more than a stray dog would have cared if divers appellations had been bestowed upon him in a community as he shifted his habitat from place to place.

This was the creature then for whom anxious inquiry was now being made on all sides. The crowd was resolved to have him, and the crowd was resolved to make short work of him when they

did get him. So they instituted hasty search, and up and down, and across country, they rode and they ran. They picked up scraps of information, and hastened back with each item to the surging mass of human beings that waited for the capture of the miscreant, and grew angrier with delay. A wagoner had brought Johan—Dutch Ankers he called him—from a cross-roads village in the hills the evening before, and had set him down not far from the Bascombe place. Ankerstrom, however, when he left the wagoner, had gone toward the house of a farmer, named Dotson, for whom he had at one time worked a few days. He carried an ax on his shoulder, and told the wagoner that Dotson owed him a bill which he wished to collect. As soon as this news was brought one was sent off posthaste to inquire into the matter, and soon brought back word from Dotson—who was an honest but cross-grained old chap—that he had not seen hair nor hide of Dutch Ankers, and moreover, that anybody who said he owed him money was a liar. This showed that Ankerstrom had been loafing about in the neighborhood on the night of the crime, but his presence at the mobbing of Sandy proved that. The wagoner's tale proved further, however, that the fellow carried an ax, and this was a strong corroborating circumstance—if any had been needed—to strengthen the narrative of old Mrs. Bascombe. Much more to the point was the information, brought in later, that the man whose appearance was so much desired had gotten dinner on the preceding day—Sunday—at a house not five miles away from the scene of the crime. After dinner he had laid down under a tree in the yard, like one wholly free from concern, and taken a long nap. When he woke he went off on foot toward Nashville, saying he was going to that place to seek work. From his conduct at this place it was argued that the house-burner and double murderer was under no special apprehension, and might be overtaken if prompt pursuit was made. He no doubt rested under the assurance that the blow from his ax had rendered the old widow forever incapable of telling tales, and the execution of the negro by the mob would leave the public under the impression that the real offender had been punished. A half-dozen men now started on good horses to apprehend the scoundrel and bring him back. These were specially enjoined by the large crowd that still lingered on the ground—for they were coming and going all the time—not to despatch Ankerstrom when they caught him, but to fetch him back to the scene of his villainy, where the whole as-

semblage might have the satisfaction of dealing with him. This was late at night and many now stretched themselves out on the bare ground to sleep away the time that must intervene before the return of the squad that had been sent forth upon this mission.

It was in the forenoon on Sunday that Randolph Pearson first learned of the terrible tragedy at the house from which he had himself departed at bedtime on the evening before. He heard at the same time that the negro, Kinchen, had been hung for the crime by a mob of indignant citizens. Riding to the place as rapidly as he could he found a large crowd assembled, the dwelling in ashes, and the widow Bascombe dying in a corner of her yard under an improvised tent. Pearson did not believe in mob law as a remedy for any evil, and even under these trying circumstances he plainly said to those whom he suspected of having been members of the mob that it would have been better to have turned the negro over to the courts, rather than deal with him themselves in such summary fashion. The courts, he said, were slow, and sometimes there was a failure of justice, but hurried uprisings at night afforded but a poor substitute for deliberate investigation, such as should be had when the life of a human being was at stake. Moreover, when good citizens advertised to the world that they had no faith in the laws under which they lived, they gave to the community in which they resided an unenviable notoriety. All this, and more, said Randolph Pearson calmly to his neighbors at a time when every one supposed the negro, Kinchen, had met a just fate. That night, when the whole truth was out, and it was found that the hasty execution of Sandy had been a terrible blunder, Pearson indulged in no additional criticism on the conduct of the mob, but resolved that a second individual should not be hastily done to death for the same offense if he could avoid it. He was an earnest, conscientious man, was Randolph Pearson, much respected by all his neighbors; but when he announced the conclusion he had reached on this subject he was met by a storm of indignation, and many of his best friends withstood him to the teeth. There should be no delay—they said—in the punishment of the scoundrel whose crime was too black to admit of any thought of indulgence in his case. There should be no long legal investigation to wear out the patience of witnesses, and maybe result at last in the utter failure of justice. Mobs might sometimes make mistakes, and hang the wrong man, but there was no doubt

about the guilt of this fellow, and swing he should to the very tree on which poor Kinchen had died, just as soon as the squad that had gone to seek him could lay hands on him and bring him back.

Day broke, however, before the return of the squad that had gone forth in quest of the murderer. Many had left, wearied with the long delay, but others took their places, and by sunrise on Monday morning the assemblage was greater than it had been at any time before. Numerous persons were now present from a distance, for the news of the terrible tragedy at the old Bascombe place had spread far and wide through the country. All waited impatiently to learn something of the whereabouts of the murderer, but for many hours waited in vain. About two hours after sunrise the half-dozen horsemen returned with the report that they had scoured the country for the missing man, but had failed to find any trace of him after he left the place where he took dinner. This intelligence was most disheartening to the crowd, but not so to Pearson, who believed with diligent effort the fugitive could be apprehended, and in the meantime suitable precaution could be taken against his being swung up by the mob as soon as he was caught.

It was necessary to act promptly, and Pearson resolved while the interest was at white heat to organize a band of determined men who would aid him in the double purpose he had formed, first to effect the capture of the fugitive, and, second, to see that he was not killed by a crowd of frenzied men as soon as overtaken. To apprehend the criminal, it was now evident, would be no easy task, but would probably require systematic search, in which it might be necessary to employ skilled detectives. The sheriff might ride the county, and the governor might be induced to offer a reward, but other means must be resorted to if it was expected to ferret out a hardened villain, who even now, no doubt, was making his way secretly out of the country.

Thus said Randolph Pearson to those who were now more than willing to listen to him, and it was agreed that a meeting should be held that night for the purpose of organization, none to be present except twenty or thirty active men, who were selected in advance, and who could be relied on to render material aid in the contemplated work. Upon one point the author of this plan was compelled to make some concession. Those who had agreed to band together were divided upon the question as to whether the

fugitive should be turned over to the courts when caught or dealt with by themselves. After some discussion, however, they concluded, first, to work unitedly for the arrest of the murderer, and when this was accomplished to leave his subsequent disposition to a decision of a majority of their own number.

The young gentleman who had given his name as Robert Lee Templeton was not among those who had agreed to organize for the purpose of apprehending and punishing the murderer. He was a stranger in the vicinity and could not have co-operated with the other members regularly, even if he had been made one of their number; and, besides, having little knowledge of his character and habits, they were not disposed to admit him at once into full fellowship with them. He was undoubtedly a whole-souled generous young fellow, however, and a task was therefore assigned him which he was glad to undertake as soon as he had received the suggestion from some of the older citizens present. This was to ride to the county town, a dozen or more miles away, swear out a warrant for the arrest of the murderer, Ankerstrom, and place the writ without delay into the hands of the sheriff. By giving the law officer a description of the personal appearance of Cross-eyed Jack, he could make sure of his recognition wherever found. Templeton, however, when this latter suggestion was made to him, declared he would not only give the writ to the sheriff, but would accompany that officer and help him arrest the murderer whenever they came upon him.

Before the large assemblage dispersed, Pearson and a few other charitable persons imposed on themselves another duty which they thought was demanded by simple justice under the circumstances. Taking advantage of the sympathy that was openly expressed for the innocent negro who had fallen a victim to mob violence, they sought to obtain substantial aid for the family he had left behind. Kinchen, fortunately, had not raised such a brood as is usually to be found around the cabins of members of his race, and therefore provision for his family could be the more easily made. His wife Patsy and his young son Pete constituted the entire connection that remained to mourn him, if we except the little fox terrier that came so near meeting death under the same gallows tree with his master. By heading a subscription list with a liberal donation of their own, and going first to those who were able and willing to contribute generously, they soon obtained a fund sufficient to buy a few acres of hill land as a



permanent home for Patsy Kinchen, widow of the late Sandy. As the opportunity for inquiry was favorable, they learned also of a piece of ground back in the uplands with which the owner was willing to part for a modest remuneration. This little tract had timber and running water, two essentials in that locality, but lacked a dwelling. Numerous individuals who sympathized with the object, but lacked money, now came forward and offered to cut logs for the tenement, and give a house-raising on the place one day during the following week. The necessary preliminaries being thus arranged, the bargain was struck, the land paid for and a binding agreement entered into for the erection of a substantial log residence for Patsy Kinchen; all within less than forty-eight hours after her husband's unexpected departure from this world. Sandy himself, while a sojourner upon earth, had come to forty years or thereabouts, and had never accumulated any property but a dog. Viewed strictly from a business standpoint, therefore, his wife Patsy, though a loud and sincere mourner at his funeral, was not seriously a loser by the hasty action of the mob.

That night, after the veil of darkness enveloped the earth, and most good folk in the neighborhood were abed resting from the fatigue and excitement of the past two days, a score or more of energetic citizens met at a designated spot to form the organization that had been determined upon in the morning. They met out of doors because the night was pleasant, and they wished to avoid the notoriety that must have followed their assembling at any farm house. A secret organization was preferable too, because by this means undesirable persons could be more readily kept out of the association, and the determination to overtake the murderer and deal with him as they saw fit could be more easily accomplished. As very often happens in such enterprises, the original design to form a temporary union for the accomplishment of a single purpose expanded as they conferred on the occasion of their first meeting, and they thought it expedient to unite themselves into a company of regulators, or patrolers, which should undertake not only to bring Ankerstrom to justice for his offense, but also to take some steps toward bringing about a more settled condition of affairs in their community. Lawlessness, if not rampant, had gotten to be quite common among them, and negroes were undoubtedly the principal depredators as far as minor offenses were concerned. Now and then they were unjustly suspected, as was shown by the terrible mistake in the Kinchen case, but their

peccadilloes in the way of hog stealing, hen-roost robberies and the like were sufficiently well established to make it expedient if possible to put some kind of check upon them. In addition, there was among good citizens in the community a growing contempt for the law, and a consequent disposition after every criminal offense to substitute hasty retribution for judicial investigation, and this dangerous tendency needed to be curbed in some prudent manner.

All things considered, the little group that met under the green-wood tree on this occasion thought it best to organize a band of regulators in their section, and as they cast about them for rules and regulations by which to govern such an association, they could stumble on no better plan than to resurrect an old society that had exerted a great influence on their community shortly after the close of the civil war. Times had greatly changed, but the purpose of the former order, as generally understood, did not differ materially from those now sought to be accomplished. Three or four members of this old secret society were present, and from these all the grips and pass-words were obtained, together with the substance of the constitution and by-laws as well as the latter had been preserved in faithful memories. Under the quiet stars, then, and at considerable distance from any human habitation, the mysterious order of the K. K. K. was revived, its ritual restored, its officers chosen and solemnly sworn, its members bound to secrecy by a vow so dreadful that the lightest among them would not dare afterward to violate his obligation. This done, they prepared to take action on some other matters they deemed worthy their attention, perfected their plans for the apprehension of the murderer, and rode away each man to his home, none other than themselves being aware of the fact that they had assembled at all.

The dead society which they had thus galvanized into life is perhaps worthy of passing mention before proceeding to the narration of what transpired subsequently.

## CHAPTER VI.

"THE MOON'S ON THE LAKE, AND THE MIST ON THE BRAE;  
AND THE CLAN HAS A NAME THAT IS NAMELESS BY DAY."

ONCE upon a time in Tennessee, and possibly in some other States of the South, there existed an order which was called into being no one knew how, created a great stir for a season, and then died away as mysteriously as it had originated. Its aims and purposes were widely misrepresented and misunderstood, for while unique in its organization and methods, it was, in the principal object sought to be attained, not different from those voluntary associations which good citizens in many parts of the wide country have often been compelled to form when they found the law in their particular locality insufficient for the protection of life and property. The order of which I write was known to the general public at the time as the Klu Klux Klan, or, more briefly, the K. K. K., and was so obnoxious to those in power during the carpet-bag reign in Tennessee that it was a penitentiary offense to belong to it; no citizen was permitted to sit on a jury or give evidence in court without swearing he was in no way connected with it; and hostile grand juries were given inquisitorial powers in the effort to drag to light the conspirators who assembled by night at its summons and obeyed its unholy mandates. Yet, in spite of all this terrifying proscription, perhaps to no small extent in consequence of it, the midnight society grew and flourished apace, and during the brief period of its existence exercised a profound influence, at least, in those sections of the State to which its operations were confined.

In its main purpose—the preservation of order and the protection of life and property—this society of the K. K. K. did not differ, as I have said, from the vigilance committees and other like associations that at various times in our history have been openly formed in many of the States and Territories of the Union. Its grotesque methods, however, its peculiar organization, and the

mystery by which it was enshrouded, distinguished it from all of these, and gave it a unique place in the history of such popular movements. Yet, these peculiarities were not, as may have been supposed, the result of whim or caprice on the part of its founders, but followed necessarily from the troubled condition of the times. The emergency that called the association into life was such as would have demanded anywhere the banding together of orderly citizens for their own protection, and yet an open organization at the time was impossible, and, had it been possible, would have been far less effective than a widespread secret order whose very existence could not legally be proven and whose aims could only be guessed at.

For two or three years immediately following the civil war the situation in Middle Tennessee may be fairly described as chaotic. Nearly all the white men there capable of bearing arms had sided with the South, and when those who survived the struggle returned home, they found farms uncultivated, homes devastated, cattle and work-stock confiscated, and the negroes emancipated. More than this, they found themselves disfranchised for their sins, the ballot in the hands of their late slaves, and William G. Brownlow in the governor's chair. This meant to the recently disloyal that they must look out for themselves, for they need expect neither aid nor sympathy from those in their own State who now held the whip hand over them. Parson Brownlow, as he was familiarly termed, had been a noted character in Tennessee for many years. He was a man of personal integrity and of active mind, but seemingly without one drop of the milk of human kindness in his composition. As editor of "The Knoxville Whig" in the ante-bellum days, he proved himself to be a master of invective. Clinging with obstinacy to his own views on all questions, through the columns of his newspaper he berated as scoundrels all who saw fit to differ from him. If he had been domesticated in Middle or West Tennessee at the outbreak of the civil war, he would have most probably out-Heroded Herod in his advocacy of secession; but, hailing from the eastern division of the State, he was a most bitter Unionist, and literally, by means of his paper, "dealt damnation round the land on each he deemed his foe." The restoration of federal authority in Tennessee found this honest but exceedingly vindictive old man in the governor's chair, and he was about as much in place there as John Calvin would have been over a congregation of

papists or a devout Catholic ruler of the sixteenth century over a colony of heretics. When soon after the close of the war a demand arose for the restoration of the ex-Confederates to their civil rights, the governor of Tennessee replied in a public speech that traitors to their country had but two rights he was willing to concede: one the right to be hung in this world, the other the right to be damned in the next. This characteristic utterance at least was attributed to him all over the State, and taking their cue from it, the Carpet-baggers, scalawags, and such disorderly negroes as these could influence, ruled the roost in the fairest portions of Tennessee. They terrorized whole communities, and neither life nor property was safe while their sway continued, for none looked to the laws as then administered to protect good citizens under the ban of disloyalty or to punish evildoers who vaunted themselves as friends of the government.

The better class of the negroes in the State, to their credit be it said, did not sympathize with the lawless element that prevented their earning a support by peaceful labor, but their quiet protest was unheeded, as was that of the respectable white people among whom they dwelt. The example of a few lawless blacks in each community, however, soon had its effect on others of their race, and the idea gained ground rapidly among the recently emancipated slaves of the State that liberty meant unbridled license and the freedom to do as they chose. The times, indeed, were out of joint, and the returning ex-Confederates, who otherwise could easily have mastered the situation, seemed powerless to restore order. Nothing could be accomplished by them without united effort, while any open attempt on their part to organize would, they knew, be regarded as an act of treason, and the leaders of such a movement subjected to instant arrest.

It was under these circumstances that—whether in jest or earnest I cannot say—the singular society known as the Klu Klux Klan was mysteriously called into being. The general understanding now is that it originated as a practical joke gotten up by a few mischievous ex-rebels to frighten negroes and other superstitious persons in their locality. If so, the authors of the plan must soon have been astonished at the startling proportions of the edifice of which they had laid the foundation. Their queer capers and ghostly garbs excited the terror of the negroes and induced them to remain indoors after dark. Rumor exaggerated their pranks, which doubtless were mad enough in

themselves. Their example soon found imitators, and before a great while serious men adopted the fantastic idea and sought to apply it to a useful end. A formidable secret society was organized, numbering its branches by the hundred and its membership by thousands. The strictest secrecy on the part of the persons connected with it was easily maintained, since none of these dared to avow his fellowship with the order. Ghostly raiment and extravagant capers were found to be really useful features, striking more terror to the souls of the superstitious Africans than could the substance of ten thousand men, armed in the proof. Perfect order throughout the entire organization was easily preserved, for nearly all the members had been recently discharged from the Southern army, and their leaders in the main were those whom they had followed through all the weary and bloody campaigns of the civil war. Thus it came to pass that almost in a night there sprang into existence on the soil of Tennessee the most powerful and thoroughly disciplined secret society that has ever been known to exist on the American continent. Its influence from the outset was widespread and beneficent. Good people breathed more freely when they knew there was a klan in their midst able to protect them, and the desperadoes who had infested the country in most instances fled before they were actually apprehended or molested.

I have spoken of the organization of the society as grotesque, and this was certainly true. Not only were the most astonishing performances among its regular exercises, but the titles bestowed on all its officials were outlandish and preposterous. The head or captain of each separate band was styled "The Grand Cyclops of the Klan." Above him was another official with a high-sounding title, controlling a dozen klans or so, and over all was the commander-in-chief, who was impressively styled "The Grand Dragon of the Realm." Each separate company of mounted men was called a "klan," and the men in the ranks were designated as "hobgoblins." The true name of the order was not "The Klu Klux Klan," but the master of ceremonies usually whispered instead on initiation night some very long hard word in an unknown language, with a supposed very deep meaning, which all were forbidden to repeat, and which none ever could remember afterwards.

The peculiar feature of this order, however, and the one that distinguished it from all similar associations that I have read of,

was a standing judicial tribunal of three men, which formed part of the organization of each “klan.” Without the order of this court—which, if I am correctly informed, was termed “The Dreadful Ulema”—no member of the klan could be punished for infraction of its rules, nor could any obnoxious character in the community be made to pay the penalty of his crimes. But for this wise provision in the constitution of the order there can be no doubt that many hasty acts of violence would have been committed by the members in different sections of the State. It must be borne in mind that the leaders of the movement desired to especially avoid the commission of open deeds of violence, for a few such acts would have drawn down upon them the condemnation not only of the State, but also of the Federal Government. All the operations of the society were therefore conducted with the utmost secrecy and circumspection and its members at all times subjected to the strictest discipline. If one was arrested whom they thought the community should be rid of, the offender was not shot or strung up to a limb, but taken before “The Dreadful Ulema” for trial. The proceedings here were not conducted in the actual presence of the accused, and were usually brief, but extreme punishment was never inflicted if anything less would suffice. If the prisoner was discharged without bodily harm, as often happened, he could betray no more than that he had been taken at night by a company of very queer creatures, had been instantly blindfolded, and had been released after a while, with the injunction to betake himself speedily to some other part of the world. Sometimes this injunction was preceded by the lash, which, you may be sure, when ordered, was well laid on. Sometimes, in very rare instances, it was death. Then the community knew nothing more of the matter than that a certain obnoxious individual had mysteriously disappeared, and after diligent search by his friends could not be found. Whatever the sentence of “The Dreadful Ulema,” it was obeyed; and without its deliberate sentence none were ever done to death or subjected to bodily injury by members of the klan.

It may be inferred from what has gone before that the author of this entertaining narrative was himself at one time connected with the secret order he has sought to describe; and while he is far from admitting such to be the fact, he does not mind stating to the generous reader that he was at a certain misguided period of his life an open enemy of the best government the world ever

knew. He wore the gray, the author did, during the years 1861-65—and, by the way, a very ragged suit it was he had on when the end came. Having returned home in the latter year a sadder if not a wiser man, and seeking to earn a support by tilling his mother earth, he found himself in the very midst of the disorders of which he has made mention and in the very locality where hobgoblins by night did cavort. This being so, and the author being neither deaf, dumb, nor idiotic, he was enabled to pick up a few scraps of information, which he now with pleasure imparts to the curious reader. Following the usual form of legal affidavits, he here avouches that those things which he has set down upon his own knowledge he swears positively to be true, and those things which he has set down upon information, he verily believes to be true, and, drawing his conclusions from both these sources, he wishes to go further and make the deliberate statement which is to be found in the following paragraph.

Though outlawed by the statutes of Tennessee, and denounced in their day from one end of the country to the other, no association was ever formed in this country with worthier motives than this secret order of the K. K. K. No kindlier band of gentlemen ever assembled after nightfall in the deep greenwood, or rode in queer disguises the lonely highway by the friendly light of the moon. There is a streak of humor running all through the southern character, as plainly discernible to the eye of the moralist as a vein of fine metal in a rock to the skilled mineralist. The mystic order of which I write never could have come into being anywhere else except among these people. It never could have flourished as it did, mixing serious business with horseplay, except among these people. That just home from the war, with their cause utterly lost, and wreck and ruin about them, they were able to extract fun at all from the situation shows the wonderful elasticity of the southern temper. But they did, and their merriment was honest merriment, while their earnestness of purpose at the same time, and along with it, was unquestionable. Now that the queer order is a thing of the past, and most of the ghosts that formed its ranks have gone to genuine ghostland, I hope the reader will pardon this effort to rescue its memory from undeserved reproach. The author can say of a truth that while the society existed in his locality, he never knew human life taken by those subject to its mandates, nor any man robbed of his prop-



erty, nor any woman, white or black, treated with disrespect. That the hobgoblins when abroad were all armed and knew how to handle their weapons is not to be denied. That they were prepared on their raids to repel attack and meet violence with violence is not to be denied. That they were determined to protect their homes and loved ones and banish certain disorderly characters from their midst is not to be denied. Fortunately, the mystery that surrounded the order, and the general conviction that it was a powerful and resolute brotherhood, sufficed in themselves to attain the ends it had in view, and this achieved, the members quietly disbanded. The dawn of day was then close at hand for Tennesseans, the time for the restoration of genuine peace had come, and the secret order of the K. K. K. disappeared from public notice as mysteriously as it had been called into being.

So it came about that when Randolph Pearson and his companions met the night after the Bascombe murder to form a league for the preservation of order in their midst, they adopted the constitution of the old order just described:

First, because they found it ready made, and were saved the trouble of cudgeling their brains to devise another that might not have answered so well.

Secondly, because the younger members present were pleased with the fantastic attire and grotesque ceremonies of the order they were about to revive, and hoped to extract some fun from a renewal of same.

Thirdly, because Pearson and his serious comrades expected much good from the clause that provided a permanent court for the order. If this tribunal was composed of temperate men, mob law, in its most offensive sense, would be banished from the community. The new klan would be strong enough by prompt action to take charge of all persons suspected of heinous crimes, and no punishment would be inflicted until after a deliberate hearing. When the murderer, Ankerstrom, was apprehended, it would be for the three judges to say whether he should be put to death at once or turned over to the regular State authorities for trial. Pearson was fully resolved that, if possible, the latter course should be pursued. He knew the infuriated people of his vicinity were bent on stringing the wretch up as soon as they laid hands on him, but he made up his mind that when even so despicable

a villain came to pay the penalty of his crimes, the sheriff of the county, and none other, should act as hangman.

It was therefore with satisfaction that Randolph Pearson, when the organization was effected, accepted the position of chief of the advisory court of the klan, which was unanimously tendered him.

## CHAPTER VII.

YOUNG MR. TEMPLETON SALLIES FORTH TO UPHOLD THE MAJESTY OF THE LAW, BUT COMES NEAR FORGETTING THE ERRAND UPON WHICH HE IS BENT.

TEMPLETON, riding at a brisk gait, covered the distance he had to travel in about three hours, and reached the county seat before noon. Going at once to the jail—which contained apartments for the sheriff's family, he found the officer away, but his wife, a pleasant spoken woman, said he would return sometime during the day. Thinking it advisable to await his coming, the young man proceeded uptown, and making the necessary affidavit, procured a warrant of arrest from a justice of the peace against the absconding murderer. Placing this in his pocket so as to have it in readiness when the sheriff returned, he next inquired for the newspaper office of the village. It was only a few yards further off, on the same street, and dropping in, he found a little old dried-up man perched upon a high stool setting type. As there was no other occupant of the room, Templeton bowed to this individual and politely inquired for the editor.

"I'm him," replied the person addressed, without for a moment suspending the business he was at.

"Excuse me," said Templeton, politely, "I mistook you for the printer."

"I'm him too," said the dried-up man on the high stool, proceeding calmly with his work.

"Oh," said Templeton, "I see how it is. So you are both editor and printer, are you?"

"I'm the whole push," said the little dried-up man, taking off his spectacles now and wiping them with his handkerchief. "I'm the establishment, that's what I am," and he came down from his stool, and walking up quite close to where Templeton stood, he viewed him critically. His manner would have been impertinent

had not the visitor recognized it as that of a man who was at the same time both near-sighted and habitually on the hunt of an item.

"Whar you from?" inquired the dried-up man, approaching as close to Templeton as he could without treading on the latter's toes. "What's the news?"

"I thought possibly," answered the visitor, "that you might wish to know something about the Bascombe murder."

"And the hanging of that nigger?"

"Yes."

"Got it all set up. Paper be out to-morrow. Full confession and everything. Whole thing in to-morrow's issue. Price, five cents."

"Whose confession have you got in the paper?" asked Templeton, turning interrogator.

"The nigger's, of course. Whose else could it be?"

"How do you know he confessed?"

"Oh, they always do; and if they don't, we fix up one for 'em. Part of our business, you know. We fix up one for 'em and we fix it up right. The fellow that's hung ain't in a position to dispute a word of it, and the fellows that hung him they feel vindicated, and are well pleased, and come round and subscribe for the paper—see?"

"But, the fact is," said Templeton, "the negro did not confess in this case, as everybody knows. He died protesting his innocence, and the old lady, Mrs. Bascombe, revived before her death and charged another man with her murder."

The little old dried-up man who said he was the establishment here seized Templeton by the arm, and, without a word, dragged him to the rear of the room.

"How's that? how's that?" then inquired the little dried-up man, cocking his ear round curiously at the speaker.

"The negro made no confession; and the old woman before she died charged a white man with her murder."

The editor forced him to be seated on an inverted goods box that stood near a dingy window. Taking a stool himself on the opposite side, he seized a lead pencil and some sheets of crumpled paper that were lying loose upon the box. "Now go," he said to Templeton, when these hurried preparations were complete.

The visitor understood by this that he was to proceed with his tale, which he did in a plain, straightforward way, and the com-

## Mr. Templeton Comes Near Forgetting His Errand. 57

bined editor and printer dashed ahead, covering sheet after sheet of paper, and so amplifying the details that Templeton hardly recognized them when the story came out in print twenty-four hours later. When he finished—and he wrote more rapidly than the speaker could dictate—Templeton handed him a dollar and asked him to mail copies of his paper to different parts of the country, in order that the public might be put on the watch for the murderer. The dried-up man pocketed the dollar cheerfully, and, following his visitor to the door, informed him confidentially that just back of the town there was as good a tree for the hanging business as heart could wish, and when the real villain was caught he would take pleasure in pointing it out. "I'll make it all right and regular," he said to Templeton. "Startling confession—mob completely vindicated. Tell 'em to have no fear on that score."

Templeton thanked him for his kindly assurance, and, having no further business in the newspaper line, sought to amuse himself by another stroll up and down the streets while awaiting the return of the law officer. Desiring to interest as many persons as possible in the capture of the murderer, he told the story of the crime to more than one group of listeners, and soon the whole village was familiar with the facts.

About sundown the sheriff came jogging into town on a flea-bitten gray horse and the warrant of arrest was handed him. When he had read it he alighted in front of the store of Dixon & Dix—he had been halted as he was passing there—and, with the bridle rein over his arm, perused the document again. Having inspected it sufficiently, he looked around over the little group that had gathered about him and remarked:

"Well, consarn that fellow; I met him just now in the road."

"Where? Where?" inquired several of the bystanders at once.

The sheriff was a tall, thin man of serious demeanor and slow spoken. He might have been mistaken for a preacher but for the fact that most of the preachers in those parts were Methodist circuit riders who were not of austere deportment, but usually chipper and free with their jokes. Sanderson—that was the sheriff's name—was a man of subdued manner, and though not unsociable or uncommunicative, was inclined to take life solemnly.

"Where did you meet him?" they inquired again.

"Back yonder in the road," replied the sheriff, meditatively, turning the paper over in his hand as he spoke.

"What did he say?"

"Nothin' much, nothin' much. We howdied, and talked a little about one thing and another. Well, consarn that fellow." The sheriff here whistled softly between his teeth for a while and then inquired: "Who swore out this warrant, anyhow? Who is R. L. Templeton? I thought I knew every man in the county, but he's a new one on me."

"I'm Robert Lee Templeton," said the young gentleman, coming to the front. "I swore out that warrant."

"You swore it out?"

"Yes, on the statement of the old lady, Mrs. Bascombe."

"This nigger that was hung," said the sheriff, eying him critically, "what did he have to do with it?"

"Nothing in the world," the young man answered. "He was hung under a mistake. There was great excitement, and no legal officer to take charge of the investigation, so they hung him without inquiring fully into the matter. It was just an excited mob, with nobody especially in control. I was there, and——"

The sheriff looked at him inquisitively.

"I was there," pursued Templeton, "but I didn't have anything to do with the hanging. I—I, in fact, was opposed to it."

"You stick to that, young man," said the sheriff, gravely, "because there's a law in this country."

Templeton hesitated at this and displayed some embarrassment. He was among strangers, and could not tell what construction they might put on his admission.

"You just happened in, I s'pose," suggested the sheriff, "not knowin' what was on the bills?"

"That was just about the way of it," replied Templeton.

"And being there from curiosity, or in some such fashion, you was bound to see things without takin' a hand in 'em?"

Templeton acquiesced in this, feeling that it did not express the entire truth, but was sufficient for the occasion.

"Now, you stick to that," said the sheriff, raising a long forefinger and pointing it at him warningly, "because there's a law in this country."

Those present eyed the young man closely, and several nodded gravely to signify that the sheriff had given him good advice, which it would be well for him to heed.

## Mr. Templeton Comes Near Forgetting His Errand. 59

After whistling again for a little while softly between his teeth, the officer remounted his flea-bitten gray nag and turned its head in the direction from which he had come. "I'm going after this here Dutchman," he remarked to those present. "Does anybody care to go along?"

Two or three volunteered, among them Mr. Bob Lee Templeton. Darkness was enveloping the earth as they wound their way down from the eminence on which the town of Ashton stood. It was now Monday night and forty-eight hours after the burning of the Bascombe house.

"He must be doubling on his track," said the sheriff after they had proceeded some distance in silence. "Looks that way to me."

"Why doesn't he try to get out of the country?" asked Templeton, who was riding by the officer's side. "I don't understand his hanging round here this way."

"Well, you see," replied Sheriff Sanderson, "the nigger's been hung, which shows pretty conclusively that folks took him for the guilty party. The old woman, though, didn't die right away, and she might tell tales before she died. So Cross-eyed Jack just dodged out of sight, bobbing up at first one place and then another to make believe he wasn't hiding. That's the way I happened to meet him in the road."

"He'll find out pretty soon that the world knows the truth. Then he'll leave the country in a hurry."

"Maybe he will, maybe he will," responded the sheriff, dubiously. "There's no telling."

"I thought the instinct of a criminal was to flee as fast and as far as possible from the scene of his crime?"

"That was in the old time, when a fellow had only to outrun them that was behind him. Now they send telegrams on ahead, and they follow on his track by rail. The sharp rascals understand this, and their usual plan is to lie low until the hue and cry dies out, and then steal off as quietly as they can. I knew a fellow once," pursued the sheriff, growing reminiscent, "that robbed a mail train. He was a boss hand at his trade, that fellow was. One night he bought a ticket for some place and boarded the train like any other passenger. When they had gone a few miles he rose and went forward to the express car. The agent was sitting by the table, and there was a loaded pistol in the drawer, within reach of his hand. He'd been told always to keep a loaded

pistol in that drawer, and he always kept it there. He was sitting by the table adding up a long column of figures. When he looked up he saw a man standing in the door with a shiny pistol pointed straight toward him. The man's aim was very steady and his voice very calm as he told the agent to rise and fetch him the money bag. That agent was in the habit of obeying orders, and he obeyed orders this time. So would you have done if you had been in his place. He picked up the bag, and such other things as he was bidden to pick up, and laid them down in a pile close to the stranger's feet. Then he went under orders to a corner of the car and stood there with his back to the stranger and his nose stuck as far into that corner as he could get it. The stranger pulled the bell cord and the train stopped. The stranger jumped off with his bags, and the agent explained to the conductor as soon as he got a chance. They searched high and low, and they sent for bloodhounds, but they didn't catch the stranger. The bloodhounds got on the track of a nigger fiddler and run him five miles and treed him, but that didn't help the situation much. Big rewards were offered, and the police picked up a dozen different fellows in a dozen different towns, but they didn't get the right man. Where was he? Why, he didn't go a mile from the place of the robbery before he stopped and went into camp. He picked a snug out-of-the-way place, close to water, and lived on scant rations there two or three weeks. Then he walked away and got clear out of the country without trouble.

"How did you find all this out?"

"Why, in the easiest way imaginable. As soon as the fellow got a long way off from the scene of his crime, and thought he was entirely safe, he treated himself to a big drunk. It was in Kansas City, and as he undertook to run the town, the police locked him up. They found three or four pistols on him, and more than a thousand dollars in money. Being a stranger, they asked him where he came from. He told them a lie, and a rather clumsy lie, being drunk. To make a long story short, they held him a few days on suspicion, and then, having obtained sufficient evidence, sent him back to Tennessee to answer for the train robbery. He plead guilty when his trial came and took fifteen years in the penitentiary. He's there now, I reckon, and a very sociable, gentlemanly fellow he is, barring his trade."

As the sheriff beguiled the journey with this narrative, the flea-bitten gray horse went steadily along at a fox trot toward the



spot where his rider had encountered Cross-eyed Jack the evening before. After the lapse of an hour or more they reached the place, which Sanderson pointed out to his companions. They made a brief halt here and then followed on down the road in the direction the murderer had taken.

"Maybe he's found out by this time he's badly wanted, and maybe he hasn't," said the sheriff, musingly. "I don't think he knew it just now, or he would have tried to dodge when he met me unexpectedly in the road. No telling, though; no telling. Some criminals are naturally scary, and some are bold as the devil. Maybe he knew the truth was out, but counted on my not knowing it."

It was now past nine o'clock, but the stars were all shining, and they made their way without difficulty. The sheriff, after relating the incident from his personal experience just given, lapsed into silence and began whistling softly between his teeth, which was a way he had when he was cogitating.

Presently they heard the footsteps of galloping horsemen behind them. They reined up, and in a few minutes a half dozen young farmers joined them. These riders had searched the country, far and near, for Cross-eyed Jack, they said, but had discovered no certain trace of him. Some person answering his general description had passed along the road they were now traveling, but they were not sure it was the scoundrel they were looking for. An imprudent member of the sheriff's squad informed them that it was certainly Ankerstrom who had walked boldly along the highway a few hours before, and on receipt of this news they stayed no further question, but set out at once to overtake him. "We've got a rope," said one of the party as they separated, "and we mean to hang the rascal as soon as we lay hands on him."

"There's a law in this country, gentlemen," remonstrated the sheriff, gently.

"So there is," replied the fellow, "and the very minute we are through with Cross-eyed Jack we'll turn him over to the law. You may have his corpse, Sanderson, if you want it."

Going some distance farther, the sheriff and his friends came to a large frame house by the roadside. It was lit up invitingly, and from within floated the pleasant voice of a young lady singing to an accompaniment upon the piano. Here they halted, the sheriff said, to make inquiries.

"'Light, gentlemen, 'light!" cried a rather portly old gentleman, advancing briskly to the front gate.

"Haven't time," responded the sheriff; "haven't time, Major."

"'Light, 'light!" persisted the old gentleman, who from his hearty voice and manner evidently meant what he said. "Get down and come in, one and all. Come in, all of you, and stay all night."

"Haven't time," responded the sheriff; "haven't time, Major."

"Get down," reiterated the old man, as if he hadn't heard the officer. "Get down and come in, gentlemen. Here, Bill, Jim!" lifting his voice so as to be heard all over his premises. "Come right along, you lazy rascals, and take these horses."

"Well," remarked the sheriff at this, "I reckon we'd as well surrender," and he alighted from the flea-bitten gray, the tired animal giving itself a good shake as soon as he quitted the saddle.

A sleepy-looking negro fellow now made his appearance, followed soon by another, and the horses were led off to the stable. The music ceased as they drew near the house, and quite a stylish-looking young lady made her appearance in the front door. Templeton had begun to regret that his zeal in behalf of justice had prompted him to take such a wearisome night ride, but now, beholding the stylish young lady, and being young and rather susceptible, he congratulated himself that he had come along with the sheriff.

After a hearty welcome had been extended all round, and an ample supper partaken of, the Major, the sheriff, and two or three other members of the posse comitatus engaged in friendly conversation on the front porch, while Templeton and the young lady drifted accidentally into the parlor, where they soon became quite congenial. It was, of course, the duty of the young lady to assist her father in the entertainment of his guests, and being a very conscientious girl, and a very capable one to boot, she discharged her duty on this particular occasion so thoroughly that I am quite sure no feeling of self-reproach disturbed her after she had bidden her visitor a pleasant adieu for the night. As for Mr. Templeton, I speak nothing to his discredit when I say that before the young lady rose and bade him good-night he had entirely forgotten the matter that had brought him to the house, and after seeking his couch and sinking into the kindly arms of Morpheus,

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he dreamed not of Cross-eyed Jack or the gallows-tree, but of a certain fresh young face that was fair to see, and his slumbering soul was soothed by the music of a voice ever soft and low, an excellent thing in woman.

## CHAPTER VIII.

IN WHICH THERE IS GREAT CRY AND LITTLE WOOL.

THE next morning early Sheriff Sanderson took a turn about the place to see if he could learn anything as to the whereabouts of the slippery individual for whom he had a writ of arrest. He found the negroes all posted concerning the hasty hanging of poor Sandy, and the discovery of his complete innocence after the mischief had been done and could not be undone. They were informed, too, as to the active part Cross-eyed Jack had taken in the proceedings, and from the rumors that had reached their ears were disposed to saddle on the shoulders of this villain the responsibility for all that had taken place. A few of them knew the fellow by sight, but most of them did not and had no desire to cultivate his acquaintance. They regarded him now as more devil than human, and feared it was his purpose to lay concealed for a while, and then bob up somewhere unexpectedly in their midst with his appetite whetted for murder.

"You mout as well s'arch for a needle in a haystack," said a wise old darkey, "as try to find dat furriner twell he git ready to make hisself known ag'in. He's hid out somewhar round here, and jess zactly whar he is de good Lord I specks knows, but I doesn't. Mebbe he done gone in a hole and pulled the hole in after him."

At this not very original attempt at humor the old man laughed heartily, and Sheriff Sanderson, who was polite to high and low, laughed too. "I'm inclined to think you're right, Uncle Davy," he answered, "about his being hid out round here somewhere, but the devil is more apt to know where he is than the good Lord."

"Dat's de trufe," responded the old man, shaking his head and laughing again. "Dat's as true a word, marster, as ever you spoke. Dis here Cross-eyed Jack and de devil is buzzum friends, an' dat why he ain gwy be so easy kotch. When I was a leetle

boy in Firginny I heerd talk of a flyin' Dutchman dat was buzzum friend to de devil, and dat Dutchman dey never could ketch. Folk seed him, folk heerd him, but when dey come to lay hands on him he wa'n't thar."

"Mebbe dis here's de flyin' Dutchman," said a little negro boy who had been an interested listener to the conversation.

"Son," rejoined the old man, solemnly, "I got de same notion in my own head. Las' time de moon was on de change I dream 'bout dis flyin' Dutchman, and de nex' news I heerd Sandy Kichen was dead and gone."

The breakfast bell now rang loudly, and Sheriff Sanderson returned toward the dwelling-house of Major Habersham, having elicited no information of consequence from the negroes on the place. When he reached the mansion house, he found the squad which had ridden by him the night before was on hand, awaiting breakfast. They were all weary and hungry, but brought no tidings of the missing man. He had vanished completely after his chance interview with the sheriff on the preceding afternoon, and nothing could be learned of his subsequent course, except that he did not keep to the highway. When Sanderson heard this he announced his intention to return home, and advised the rest of the posse to do the same thing, as the rascal they were in search of was probably out of the neighborhood by that time. The fact was, the sheriff had concluded that no matter where Ankerstrom was the search for him should be conducted by quiet effort that would not alarm him. He therefore deemed it best to act as if he believed the fellow was not in his county, and at the same time to keep an incessant watch for him, so as to be certain not to miss him if he proved to be still lurking about in the vicinity of his crime.

At the breakfast table the whole array, some twenty hungry souls in all, were sumptuously entertained upon fried chicken, hot biscuits, strong coffee, rich sweet milk, and other acceptable eatables and drinkables; and not having a cent to pay, arose from the feast with charity for all and malice toward none, except Johan Ankerstrom, who was mysteriously at large and would not give himself up to be hung. As they mounted and rode off, they bade good-by to all, and received cordial adieus in return from the members of the family, excepting Matilda, the housemaid, who was distant in her manners. Sheriff Sanderson, on his fox-trotting nag, was among the last of the party to leave the premises.

When he had departed no one was left behind except Mr. Bob Lee Templeton, who still lingered with the Major and his daughter at the front gate.

Mr. Templeton lingered at the front gate because he had a different route to travel from that pursued by the others, being bound now for his home in the adjoining county. He lingered also because he found himself in pleasant company, and one as a rule does not like to leave pleasant company. As he stood at the gate, chatting and exchanging pleasant remarks, preparatory to taking his departure, the Major suggested that it would be better for him to remain over that day and take a fresh start next morning. Mr. Templeton replied firmly that he had pressing business awaiting him at home and was bound to go. The Major in rejoinder said that he, Templeton, must be somewhat fatigued from the travel of the preceding day, and his steed likewise must be off his mettle, and therefore not in trim for another full day's ride. Mr. Templeton in sur rejoinder admitted that his nag might be leg-weary from the previous day's use, but insisted that his business at home was of such pressing nature that he must go forward at once and look after it.

As Mr. Templeton thrust aside the Major's urgent invitation to abide longer under his roof, and was in the very act of lifting the latch of the front gate preparatory to passing out and riding away it so chanced that he caught the eye of the Major's daughter. Miss Polly Habersham had previously seconded the request of her father that he should postpone his departure till the following morning, but she had done this in such a nonchalant off-hand fashion that the guest didn't really believe she meant what she said. At least he had been impelled by her indifferent manner to the conclusion that she didn't seriously care whether he went or stayed. Now, however, as he lifted the latch of the gate, turning his head slightly to one side at the same time, it came to pass that—as the saying goes—he caught her eye. Precisely what he read there I'm not able to inform you, but certain it is that the very moment he caught her eye his fingers relaxed their hold upon the gate latch.

"Stay, stay," persisted the Major. "If you start for home dead tired, you won't be in any fix to attend to business when you get there."

"One day more won't hurt," said the young lady, in the same careless tone she had used before. Then she leaned her elbow

on the top plank of the yard fence and gave the young man what they call an expressive glance.

"Major," said Mr. Bob Lee Templeton, impulsively, to the head of the establishment, "I'll be candid with you, sir. I would like the best in the world to stop over with you another day, and I'm going to tell you why. Last night, sir, you delivered, as I am informed, an excellent discourse to some of the gentlemen of my company upon the state of the country at large. Owing to—ah—circumstances, I could not be present, but I would like above all things to be posted on that subject. Every man, I think, in this great and free country should have some knowledge of the state of the country at large, and I have therefore concluded to stop over, and—ah—inform myself."

"Quite right, quite right," quoth the Major, heartily. "How can a man vote intelligently if he doesn't inform himself?"

"I should say so," chimed in Miss Polly Habersham. "It seems to me, if I were a man, and couldn't inform myself before offering to vote, I wouldn't vote at all."

The young gentleman's perfect candor on this occasion made a favorable impression on the Major, as perfect candor always has done and always will anywhere in this too deceitful world. The horse that had stood at the rack was sent back to the stable, and Mr. Templeton's contemplated journey homeward was postponed till next morning.

Several lectures were delivered by the Major in the course of the day on the subject of the state of the country at large, to all of which his visitor gave flattering heed. At odd times he relieved his mind by light discourse with Miss Polly, who, though not as deeply learned in statecraft as her father, proved herself to be fairly entertaining in her way. With music and chat, strolls and all that, she and the stranger within her gates whiled away the time till the sun went down and the stars peeped out and the lamp-lit hours slipped blissfully by, and the evening and the morning were the first day.

When Mr. Bob Lee Templeton did mount his horse the next morning, and did ride away from the premises, he felt exactly as if he was leaving old and dear friends behind. The Major remarked to his daughter that the young gentleman was a very promising pupil, and would soon come to know as much about the state of the country as he himself did. And the daughter remarked to her father that he was a nice young man to boot, and

quite a pleasant addition to her list of acquaintances. Uncle Davy, the hostler, publicly proclaimed that the departed guest was the most thorough gentleman who had visited the place since Miss Polly came on the carpet. "I'm gwy tell you how I know," said the old man, "and den you bound to own I'm right. Bekase when I hilt de horse for him to mount he gin me a dollar. Right dar is whar he showed his raisin'. A picayuny white man would a gin me a dime, or mebbe if Miss Polly had made him feel right proud o' hisseff, he mout a squeezed out a quarter. A tolerable nice beau would er let a half-dollar, or sich matter, slip through his fingers, but this here up-headed young marster he pitched me a dollar like he used to flingin' away money. Hit minded me of de old times way back yander in Firginny, when my young marster went callin' on de ladies in his gig, and I tuck de middle of de road on a high-steppin' horse behind him, bofe un us dressed to kill. Lord, Lord, dem was de days when quality folks walked right over poor white trash, and a gentleman's body sarvant didn't bemean hisself by no kind of labor."

Sheriff Sanderson, as he took his way homeward, laid plots in his mind for the capture of the fugitive murderer, and deviated more than once from his direct path to put this or that trusty friend of his on the lookout. A good reward had been offered for the apprehension of the absconding scoundrel, and if there had been none at all the whole community was bent on catching him if he stayed above the ground. Randolph Pearson in his quiet way rendered the law officer all the aid that was possible under the circumstances. The members of his newly organized band were assigned to duty wherever it was thought they could be of service, and a general and systematic search was instituted throughout the entire country. Telegrams were sent off to distant parts, letters were written giving a full description of the person of the murderer, and the police in many different cities were notified that a cross-eyed villain, called Johan Ankerstrom, was badly wanted in the Marrowbone Hills, and a round sum of money would be paid for his apprehension.

But though the sheriff kept his eyes open and his ears open for several successive days, and Pearson and the members of his vigilant band did the same thing, and numerous noisy volunteers, with dogs and ropes, scoured the country, not a thing could be learned of the whereabouts of the slippery individual they were anxiously seeking. The im-



pression came to be general that he had gotten entirely away, and would have to be sought for in some other part of the world. The sheriff reached this conclusion and announced it to his coadjutors over the country. The vigorous search was almost abandoned, and the minds of people were becoming gradually occupied with other matters, when suddenly an incident occurred that at once threw the whole community again into the wildest excitement.

At a lonely farmhouse some distance away from any public road, there lived a man named Hopson, with his wife and three small children. The poor man was a consumptive, too much debilitated to perform manual labor. He lived in a small cottage sadly out of repair, and possessed almost nothing in the way of worldly goods. Indeed, his lot was one of such bitter poverty that but for the charity of kind neighbors he and his household must often have suffered for the necessities of life. The folk about him, though, were very attentive to his wants, and the Hopsons were worthy people who deserved all the sympathy that was so freely accorded them. The good wife, Martha Ann Hopson, was a cheerful and industrious body, laying to with a will at some kind of work every day, and skimping all around in the management of household affairs as only a hard-pressed woman can.

A basket meeting had been going on for two or three days at a church not far from the Hopson place of abode, and Mrs. Hopson, with her two younger children, had managed to attend the place of worship, the elder boy, a lad of nine years, remaining at home with his father. On the last day of the meeting, after dinner, some charitable soul proposed that the fragments be gathered up and donated as a lot to Sister Hopson. This proposition meeting with universal favor, several baskets of provisions were taken by zealous friends that afternoon to the Hopson place. The good woman's cupboard was not only filled to overflowing, but many tempting things were left over, and these the three children set to work to devour, in order that nothing might be wasted. The two younger, having surfeited at the basket meeting, could not accomplish much in furthering this frugal intent, but the older boy did his duty nobly. He disposed, indeed, of such a quantity and so great a variety of edibles that when he retired to bed he displayed symptoms of uneasiness that did not fail to catch the ear of his vigilant mother.

It was owing to the above circumstance, as she afterward re-

lated, that she was unusually wakeful on this particular night. A little after midnight, hearing some disturbance among the fowls in the yard, she arose and started forth to investigate. The murder at the Bascombe place—not above four miles away—had made her nervous, and she undid the bolt softly and peeped out of doors before venturing beyond the protection of her roof. As she did so a man with a long knife confronted her, pushing the door open with his unoccupied hand in spite of such feeble resistance as she could make. She retreated a few steps, and, following her into the room, he ordered her in gruff tones to strike a light. This command she promptly obeyed, making no outcry, for she knew that neither her little children nor her weak husband could render her any assistance. When the lamp was lit she saw that the rude intruder had unusually long arms for a man of his stature. He was bareheaded; his uncombed hair was filled with dirt and small particles of leaves and dry twigs, and she shuddered when she observed that his eyes were badly crossed, for then she knew she stood before the demon who had burned the Bascombe house and murdered the good old woman who dwelt there. He carried now in his hand a common tobacco knife, but as these are intended to sever at a stroke the tough stalk of the plant, he could not have procured a more dangerous weapon. Raising his hand in a threatening manner, he demanded food, and the poor woman without hesitation opened the door of her cupboard and showed him all her precious supply.

When she had disclosed her stores to his greedy eyes, the villain motioned with his sharp knife toward the bare table, and understanding this to be a direction to place food thereon, she brought an abundant supply, and covered the board with victuals of every description. While she was thus engaged her husband began to cough, and the murderer went on tiptoe to the bed, and displaying the keen blade of his knife, commanded him to lie back on his pillow, to which order the poor sufferer yielded trembling obedience. The three children all slept in a trundle bed together, and it was evident from the agitation of the cover that they were now awake, though dreadful fear kept them all as still as mice. From beneath a corner of the thin coverlet one eye of the little girl might have been noted, keeping constant watch upon her mother as she moved about the room. Now did the brutal scoundrel seat himself at table, and, without ceremony or compunction, proceed to devour like a ravenous animal such things as had been

set before him. While with both hands he conveyed bits of food to his mouth, his hungry eyes roved over the numerous other good things with which the board was spread. When he had stuffed himself to his satisfaction, he rose, and taking from the shelf a figured bedspread, which was the poor woman's pride, he opened it upon the floor and piled promiscuously on it as much food of every description as he could pack off. Going then up to the wife and mother, he held his sharp knife close to her throat, while a murderous gleam lit up his tangled eyes. He spoke no word, but she said afterward that somehow he conveyed to her his meaning—that they had better remain perfectly still in the house after his departure or he would return and destroy the entire family. Then he went away, carrying his entire stock of provisions on his shoulder.

They were all hushed for hours after he had left; indeed, they did not dare to stir until the darkness of night had fled and the sun of the following day was high in the heavens. Then one of the neighbors happening to drop in the fearful tale was told, the alarm was given, and the whole community again was thrown into fierce convulsion.

A great crowd in a few hours thronged and surged about the Hopson cottage as it had surged about the Bascombe place a fortnight before, when the old lady lay a dying in the yard. Great was the tumult, loud and angry were the voices that arose on all sides, but vain was the endeavor to trace the midnight robber to his den, which, they all knew, could not be far from the scene of his persistent outrages. The sheriff came as soon as he heard of the affair and began a fresh search, but could not unravel the mystery of the outlaw's lurking place. Barns, haystacks, hollow trees, every possible place of concealment was subjected to minute scrutiny, but none gave up the villain whom all were seeking. No trace of the robber, house-burner and murderer could be found, and a feeling akin to consternation spread itself abroad in the community. None could guess into whose house the deadly scoundrel would next seek to thrust his ugly visage at night and without warning. Doors and shutters were fast bolted when the sun went down, and not opened again during the dark hours, except at the summons of some well-known voice from without.

The negroes of the vicinity were, of course, more demoralized than the white people, and apprehension of being confronted with

the now famous murderer accompanied them at every turn. In the somewhat lonely cabin of Patsy Kinchen there was especial trepidation, for the widow of the late Sandy was convinced the murderous foreigner had sworn vengeance in his wicked heart against the entire Kinchen family.

"I done told Pete," said Patsy, the lad's mother, to Pearson, when the latter stopped one day to see how they were getting on in their new abode—"I done told Pete not for to go meanderin' up and down de country wid no business on his mind, but to take warnin' by his daddy which is dead and gone, Lord help his soul! If Sandy had been in de bed dat night, whar he oughter been, he wouldn't a got kitched out from home and hung. 'Stidder dat he must be up and gwine, bound for nowhars in particular, with dat little dog, Jeneral Beauregard, at his heels. As for dat dog, Marse Ran, I hates to say a hard word of de dog, but he never sot no very good example for Sandy, and he don't exercise the right kind of influence over my boy now, no he don't. The dog ain't feerd of nothin', and Pete he ain't feerd of nothin', so, spite of all I kin do and say, here dey bofe goes, up and down, and cross country, and everywheres. One of dese days—mind what I tell you—in some out-of-de-way place, with nobody else in hollerin' distance, dey gwy run right slap up on dat Flyin' Dutchman. Den whar'll they be?"

## CHAPTER IX.

PETE KINCHEN GOES IN QUEST OF HIS MOTHER'S COW, AND FINDS  
WHAT HE WAS NOT LOOKING FOR.

MISS SUE BASCOMBE, upon the death of her grandmother and the burning of the old family home, went to reside with a relative on her mother's side, who was in comfortable circumstances and lived not far away. The girl herself was no pauper. She owned now the Bascombe place, with the personal property attached thereto, and there was a little besides, in the way of notes and money, for the old lady had been frugal in her time. Altogether, while almost anywhere else in the world her estate would have been deemed a very small one, in the particular locality where she resided it was sufficient to supply her modest necessities and establish for her the desirable reputation of being independent. She was a girl with a pretty good business head, resembling her grandmother in this as in many other particulars, and it was the general impression in the community that, if she remained a spinster, she would be more apt to add to her respectable patrimony than to waste it.

One morning, about a fortnight after the robbery of the Hopsons', as she stood at a front window of the house she now occupied as a home, the girl noticed a little negro boy, with a small dog at his heels, approaching the residence in an unusual manner. An open wood lay immediately in front of the house, and the lad in making progress dodged behind first one tree and then another, as if he had been an Indian who was minded, when he got sufficiently near, to rush up and tomahawk the family. Not fully understanding the significance of these maneuvers, Sue kept her eye on him, and finally observed him crouch behind the woodpile, a little distance beyond the yard inclosure. Determined to ascertain the character of his business, if he had any, she left the house, and, advancing promptly upon his place of retreat, soon stood close beside him.

"Please, mum," said the urchin, rising when she came to a halt and looked at him inquiringly. "I'm Sandy's little boy—Sandy Kinchen, mum, what didn't split ole Miss Bascombe's head open wid dat ax."

As he submitted this remark Miss Bascombe took a calm survey of the visitor's person. His raiment was a long ragged shirt, not over clean, which hung upon him so loosely that there seemed imminent danger all the while of its forsaking his body and slipping to the ground. He was hatless, and as it was summer time, it goes without saying that he was barefooted. Indeed, his ragged shirt was his costume, and, that having been intended by the maker for some much larger person, and being without a fastening of any kind at the throat, was kept on seemingly by frequent shoulder shrugs and occasional clutches from apprehensive fingers.

"Please, mum," repeated the lad, "I'm Sandy's little boy; and I seed him dis very mornin'—me and Jineral Beauregard did."

"Seed who dis very mornin'?" inquired the girl surprised at what she heard, and unconsciously imitating the boy's tone and language.

"Him, mum; him what did split ole Miss Bascombe's head open wid de ax. I seed him."

"You don't mean——"

"Yas'm, I means him what folk calls de Flyin' Dutchman. I seed him."

She looked at him for a moment in perplexity, hardly knowing what was best to be done under the circumstances.

"You ain' gwy give me away, is you? Kase if you does me and Jineral Beauregard is bofe dead men."

She shook her head. "Where did you see that man?" she asked. "Who told you to bring this tale to me?"

"Dey ain't nobody told me. I went to find Marse Ran, and he wa'n't at home. Den I come to you."

"Well, tell me now where you saw this man."

"You ain' gwy give me away, is you?"

She shook her head.

"You ain' gwy never give me away?"

She shook her head again.

"Wal, den, I'm gwy tell you. Dis mornin' I was a huntin' for de muley cow what Marse Ran gin mammy when he sot her

up a housekeepin'. She strayed off—de cow did—she all de time at dat—and never come home last night, but mammy she 'lowed she heard de bell way off on de side of de hill. Dis mornin' 'fo' day me and Jeneral Beauregard we was 'bleeged to go for to get de cow and drive de cow home. We climb 'long up on de side of de ridge, and when we done got most to de top Jeneral Beauregard he tuck out atter a rabbit, like I done tole him many a time not to do. He run dat rabbit, he did, round and round, untwell he run him into de thick briar patch what grows close up agin de big bluff dey calls de chalk bluff. When he got in dar I heerd him a growlin' and a snappin' like he done run up ag'in sumpen he wa'n't 'spectin' to find. I crep' up tolerable clost, I did, and den I lay down, kase I didn't know zactly what 'twas Jeneral Beauregard done run up agin in de briar patch. Presently I heerd him holler, and he come running out'n de briar patch and made for the place whar he leff me. Den I heerd sumpen comin' behind him. I been huntin' for de cow, and fust I thought it was de cow but den in a minit I know'd it wa'n't de cow, kase it walked too light for de cow. Hit come out'n de briar patch, and hit come on to the aidge of de broom sage field what stand about de briar patch, walkin' kinder tiptoe. It wa'n't hardly light good, but I seed him, and I know'd him, and hit was de Flyin' Dutchman. He stood dar a little while, he did, and den he crep' back to'ds de briar patch. 'Bout dat time here come Jeneral Beauregard crawlin' on his belly, kase he done been to de place whar I was, and struck my trail, and he was skeer'd. Den I backed away from dar on my all fours, and soon as I got a little piece off I riz and run for all I was wuth; and I ain't found dat cow yit."

He ended his tale here, and stood looking at her; and the dog sat up dog-fashion and looked at her. It was an active little dog of the fox terrier variety, with its tail bobbed and ears sharpened, so as to impart to it a fiercer appearance than it would naturally have borne.

"Where is the briar patch you speak of?" inquired Sue. "Would you know it if you were to see it again?"

"Yas'm, I'd know it," responded the lad. "But I ain't gwine 'bout dar no mo'—I tells you dat."

"How will others find the place then?"

"Dar's a dead tree clost to the aidge of de briar patch, and a hawk or a buzzard most all the time a settin' on a limb of dat

tree. Ef I could find Marse Ran I mout take him to whar I could p'int out dat tree to him. Right dar I'm gwy stop."

"You say you've been to Marse Ran's house this morning?"

"Yas'm."

"And he was not at home?"

"Naw'm."

"Did they tell you where he was?"

"Dey say dey didn't know. Dat's de reason I come here. I thought you mout know."

Sue reflected a short time; then she asked the little boy:

"Have you had your breakfast?"

"Naw'm; me nur Jineral Beauregard ain't nary one had our breakfast."

"Come with me and I'll get you something to eat."

She escorted the boy and dog to a spot in the back yard and instructed the cook to administer to their bodily wants. She then told the lad not to leave the premises until she dismissed him, and, going into the house, she wrote a short note to a young farmer friend of hers, named McIntosh, who resided in the immediate neighborhood. This she dispatched by a house servant and awaited an answer.

Within an hour, McIntosh, as requested in the note, reported in person to Miss Bascombe, and she gave him the substance of the boy's story. It was agreed between them that Pearson must be found without delay, as it was all important that the murderer's hiding place should be surrounded before the sun went down. As the dog had disturbed him, he would no doubt suspect the near presence of some human being, and would almost certainly shift his quarters that night. McIntosh agreed to go in search of Pearson, and suggested that the lad be detained until the arrival of the latter. Pete was sent for and told to await further orders in the back yard, but he shook his head. Finding him indisposed to talk in the presence of a stranger, Sue escorted him back to the woodpile, where the conference had begun.

"I dunno nuthin' 'bout dat man," said the lad, pointing with his thumb back over his shoulder toward the house. "I ain't gwy talk where he is. He mout give me away."

"Very well. I've sent for Marse Ran. You stay here until he comes."

Pete shook his head again.

"Can't you stay?"



"Naw'm; my mammy don't 'low me to loaf 'round de country. She done tole me dat many times."

"I want Marse Ran to talk with you. How can he see you if you go away?"

The lad reflected a while before he replied:

"You tell him to ride down de road twell he gits to de place whar de crick crosses it, beyant Marse Billy Winston's. When he crosses de crick let him ride on slow a little piece further. Me and Jeneral Beauregard will be in de woods on t'other side de crick waitin' for him."

"How long can you wait there?"

"I kin wait dar all day."

"And you will wait till Marse Ran comes?"

"Yas'm."

"All right; he will ride down that road just as soon as I can find him and send him along. You and your dog can go now."

"You ain't gwy give us away?"

"No."

"Dis here yuther white man in de house, he ain't gwy give us away?"

"No."

The lad turned and left the premises, with the ever-faithful General Beauregard at his heels. Sue walked back into the house, and Teddy McIntosh in a few minutes was off on a quest for Pearson. He found him about noon, and after a brief conference, Teddy was sent off to summon about fifteen or twenty trusted men, while Pearson proceeded without delay to the place on the highway where he was to meet the boy. McIntosh himself, and all the citizens he was to notify, were members of the organization which had been recently formed. The purpose was to assemble these as quietly as possible and capture the murderer before the general public had learned that his lurking place had been discovered. With this end in view McIntosh was instructed to be as reserved as the nature of his errand would permit, and to caution each man notified not to confer with others outside the order, but to go quietly to a designated spot to which Pearson was to return after his interview with the lad.

In the very nature of things, however, it was impossible to keep from the community a grave secret which had to be imparted in rapid succession to fifteen or twenty different farmers scattered

about over the neighborhood. The very fact that secrecy was sought to be preserved perhaps caused the truth, or a suspicion of the truth, to spread more rapidly over the country, and it was soon generally understood that something was in the wind, and that Sue Bascombe could tell all about it if she would. Very soon this young lady had more company than she cared to entertain, and was asked more questions than she could politely parry; so, being a matter-of-fact girl, she plainly told all comers that a secret of some consequence had been imparted to her that morning, and that she proposed to keep it. Everybody then jumped to the conclusion that those in the secret had gotten on the fresh trail of the murderer, and, being determined to join in the chase, boys and men soon gathered from the four points of the compass, and, by following those who had been summoned, rallied with the members of the clan at the appointed place of rendezvous. Here they remained for quite a while, talking with each other in loud and excited tones, and waiting impatiently for they knew not what.

Pearson, following the directions that had been given him, met the negro boy Pete in the wood beyond the creek, and was escorted to a rising piece of ground at a considerable distance from the road. A tall dead tree was then pointed out, about a half-mile still further on, and near the summit of the ridge which the two were ascending.

"Dar whar he is," said the boy. "Dat tree is on the aidge of a little broom sage field, and in dat broom sage field you gwy find at de fur end a briar patch so thick dat a hog couldn't git through widout scratchin' hisseff more'n he gwy scratch hisseff ef he kin help it. Right in dar is dat Flyin' Dutchman, which is buzzum friend to de devil. Jinal Beauregard found him dar this mornin', and he dar right now ef he ain't riz up and flewd off some-whars else."

Pearson noted the place carefully, and after thanking the boy, and rewarding him with a silver coin, he led his horse back to the road, and, mounting, galloped toward the spot where the others had been directed to await his coming. Here he found a much larger crowd than he had expected or wished to see. The captain and several others of the secret order were absent, and Pearson took command, therefore, of the entire assemblage, telling them if they wished to capture the outlaw they must proceed quietly and obey his orders literally. After proceeding a short distance,

he placed himself at the head of about a dozen picked men, instructing McIntosh, with the rest of the assemblage, about ten times as numerous, to follow on without noise or discourse a few hundred yards in the rear. This order was obeyed for a while with reasonable strictness, but as the crowd advanced they became more impatient and more unmanageable, and before they had accomplished half of their proposed journey, they trod close on the heels of the advance guard. Pearson, in low tones, cautioned them all to be quiet, and, calling a halt here, he instructed those constituting the advance to hasten forward rapidly, while he himself remained behind, and for a brief while held the crowd in check.

The picked detachment now proceeded noiselessly with all dispatch, and soon reached the small broom sedge field of two or three acres, with the locality of which some of them were familiar. Dispersing here as skirmishers they closed in promptly on the briar thicket that grew against the bluff on the upper side. Before they had quite succeeded in doing this the crowd in the rear was heard approaching again in disorder, for Pearson had found it impossible to restrain them. So tumultuously did those now rush forward that it was evident the murderer would be aroused to a sense of his danger, if he had not already made his escape. Rushing into the broom sedge field, where the dead yellow stems of the preceding year stood waist high and in thick clusters, they pressed forward hurriedly, and without pretense of order, upon the skirmish line in front. While they were thus intent on reaching the murderer's supposed hiding place close against the bluff, suddenly from their midst, and in the rear of most of them, a wild looking creature rose, and, without utterance of any kind, darted swiftly down the hill in the direction from which they had come. The front detachment, the men being a considerable distance apart, had passed him without notice, and none of those rushing pell-mell in the rear had thought to examine narrowly the thick broom sedge to see if a human being was lurking there.

"Here he goes, here he goes!" cried a few of those next at hand, when the fugitive made his break from the midst of the crowd assembled to capture him. Then a pistol shot rang out, confused cries arose, and the most part for a few moments were uncertain as to the cause of the disturbance. Presently, however, they were given to understand that the game had been jumped

and was scurrying away, and, facing about as hurriedly as they could, they gave rapid pursuit, each man for himself.

Those composing the skirmish line were in front when the outcry was raised, and consequently brought up the rear as the whole assemblage faced about and gave mad chase down the hill. The pursuit was so reckless that the men engaged in it impeded each other in their efforts to make speed. Pistol shots were fired at random, and the foremost among the pursuers for a few moments found themselves in more danger than the fugitive himself. This wild shooting ceased after a little angry remonstrance, and the mob—for it was nothing else—set out on a dead run down the hill, determined to capture or kill the scoundrel in front before the chase was over.

The murderer sped now as only a desperate wretch can who feels that his life depends upon his fleetness of foot. Springing madly down the steep side of the ridge, he did not take steps as a human being ordinarily would, but went forward by great leaps, like a hunted deer, with the pack in full cry behind him. It was plain to see, too, that he was making headway on his pursuers, and yells of vengeance arose in his rear, which prompted him to renewed effort. Shots were still fired at him by those nearest, bullets whizzed around him, but these neither pierced his body nor frightened him—as was hoped—into halting and surrendering. He felt sure that instant death would be his portion if he was caught, and therefore resolved to take all chances rather than become a prisoner. Now he leaped through bushes that snatched from him fragments of his already scant supply of clothing; now he tripped and fell in his desperate race, but rising, sped onward without pause in his flight; now tucking his head to dodge deadly missiles; now running erect to facilitate speed, he dashed without thought as to whither his steps were bent, away, away, away from the mob yelling madly in his rear.

Two or three vicious cur dogs, that had been brought along by their owners, now distanced all human competitors in the chase, and, closing in on the fleeing outlaw, began snapping at him, occasionally sinking their sharp teeth into his flesh, so as to cause the blood to flow freely. He heeded them not the least—most probably in his excitement was scarcely aware of their presence—and, with his whole mind centered on the supreme effort he was making, ran with all his might the desperate race before him. Near the foot of the hill was a narrow country road which he must

cross, and as he leaped nimbly into this he found himself within a few feet of a man on horseback, who apparently had been awaiting his approach.

"Halt!" said the man on horseback, aiming at the same time an ugly looking pistol at the fugitive.

Ankerstrom halted, and, looking up, recognized the individual who had brought him to a stand. It was Sheriff Sanderson. Pearson had sent a runner for him, and he arrived on the scene of action just in time to render efficient service to the cause of justice. He sat now quietly on his horse, with his pistol directed toward the panting murderer, and his forefinger resting lightly against the trigger. In a few seconds the angry mob was down upon them. As they recognized the figure of Ankerstrom standing close by in the road the foremost raised a yell of triumph, but when they caught sight of the sheriff and his pistol, they discreetly came to a halt also, not caring to bring themselves directly in range.

Sheriff Sanderson was a brave man, and one who was minded at all times to do his duty as a public officer. He saw now, however, that it would be impossible for him to protect the panting wretch before him from the vengeance of his pursuers, unless there were among those giving chase a few prudent men who could be induced to come to the aid of the law. Angry citizens now filled the road behind him and formed a surging line on both sides in front, leaving open only the narrow space covered by his pistol, in the center of which stood the scowling, panting captive. Casting his eye over the excited mass of human beings, he recognized Randolph Pearson standing in the rear, among the latest arrivals on the ground.

"I want ten good men to assist me in taking this fellow to jail," proclaimed the sheriff in a calm tone. "Who will volunteer?"

"I will," responded Pearson, promptly. "And I think there are others here who will be willing to aid in upholding the law."

As Pearson said this he pushed his way through the crowd in front of him, and stepping into the road in front of the sheriff's pistol, he laid his hands on Ankerstrom.

"I want ten men," said the sheriff. "Who else will volunteer?"

One by one nine other men stepped into the road, and, each with his pistol in his hand, formed a guard around the prisoner.

The sheriff then addressed those about him pleasantly.

"You see how 'tis, men," he said. "This here fellow's got to go to jail with me."

"It's a damned shame," cried an angry man in the crowd.

"It's an infernal outrage," proclaimed another.

"Let's take the scoundrel and hang him to a limb," shouted a third individual.

"There's a law in this country, gentlemen," calmly replied the sheriff.

By this time Ankerstrom's wrists had been securely linked with a pair of handcuffs which the sheriff drew from his pocket for the purpose. He snarled like a caged animal as they fettered him, but made no actual resistance, for he knew their protection afforded him a temporary respite from the hanging he deserved. Pearson now stepped back a little way from the prisoner, and in a few earnest words addressed the embittered mob of men and boys about him.

"I know you are all indignant," he said, "and it is not at all surprising that you should be. If ever a fellow on earth deserved hanging I reckon this scoundrel here does; but it doesn't follow that we should take it on ourselves to do the hanging. As Sheriff Sanderson says, there's a law in this country. If we override that law, we not only teach others to do the same, but we bring our community into disrepute before the world."

"When monstrous outrages cease, mob law will cease," cried a man in the crowd.

"I've heard that remark before," replied Pearson, "and, in my opinion, the man that utters it offers a very poor excuse for an indefensible act. The question for us, my friends, is not whether criminals shall be punished for their misdeeds, but whether in this enlightened age we can find no better method of suppressing crime than having angry mobs rise up in haste to wreak vengeance on the supposed offender. I believe—I know—this vile creature here to be worthy of death, but let the law be his executioner."

"Suppose the law won't do it?"

"I'll not admit that until I'm compelled to admit it," replied Pearson. "You need have no apprehension, my friends," he continued, raising his voice so that all could hear. "This is a plain case, and justice will be speedily administered through the courts. Grave crimes must be punished, and promptly punished. Honest men and women must have protection against midnight murderers and other horrible villains. But trust to the law, trust to the law."

Let us not advertise to the world that we have evils which our laws are incapable of redressing."

So Sheriff Sanderson and a respectable posse comitatus escorted the rascal, Johan Ankerstrom, to the county jail. The crowd that had given such hot pursuit was compelled to disband without wreaking vengeance on the object of their chase. The search for the murderer of the widow Bascombe was at last ended, and the people of the community slept more soundly when they learned that the savage creature of whom all stood in dread had been caught running wild on the hills, and was now fast locked behind prison doors.

## CHAPTER X.

BETTY HIGHTOWER'S HUSBAND HAS A PLEASANT CONFAB WITH THE  
SHERIFF'S WIFE.

WHEN Sheriff Sanderson had eaten his supper and smoked his pipe, he ordered two fresh horses brought round from the stable, in the rear of the jail. He was a good farmer as well as an efficient officer of the State, was Sheriff Sanderson, and known all the country round as an excellent judge of horseflesh. On his well-kept place, a little way out from the county town, he raised stock of all kinds for the market, and in his business trips over his bailiwick he often effected sales to purchasers who had ready cash, or whose credit was known by him to be good. Everybody understands that horse-traders, as a rule, are common liars, but Sanderson could be relied on to state candidly even the demerits of the animal he was offering to dispose of. He would have scorned to file the teeth of an old horse to make his mouth belie his years, and for no consideration would he have foisted a moon-eyed animal off on a customer at a time when the earth's satellite was at a stage most favorable for the execution of such a scheme. In lieu of all such contemptible tricks of the trade, he sought to build up for himself a reputation for honesty and fair-dealing, and there can be no doubt about the fact that he profited by this course in the long run.

To-night, as said, the sheriff ordered brought round from his stable two of his best horses, which indicated that he was minded to go upon a journey of some length. The animals, being led forth, were fastened to a rack near the gate, while the officer sat on the front steps of the building that was occupied both as a prison and a residence.

Presently came one on horseback, and, reining up at the gate, cried "Hello," which is the common method of salutation in that benighted part of the world. The sheriff, without reply, retired into the house and soon reissued with another gentleman, who



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must have been a particular friend of his, as he held him affectionately by the arm. By the time these two reached the gate the individual who cried "Hello," had dismounted and unhitched the horses that stood tied to the rack. When the sheriff and his friend came up he assisted the latter to mount, and the three then rode away from the jail, proceeding at a leisurely gait. They did not pass through the town, but circled around it, and came on the far side into a broad, beaten highway, which they followed. The general direction of this road was down the Cumberland River, though for much of the way it ran at a considerable distance from the stream. It was known as the Coopertown road, and led to a burg by that name about thirty miles below on the river. If the horsemen were bound for this place, it was evident they had an all-night ride before them.

As the three horsemen proceeded along this river road, the singular circumstance might have been noticed that one of them traveled with his wrists fastened together in front, while his arms were pinioned close to his body by a strap that bound them firmly from behind. This man rode always in the center, one of his companions preceding him, while the other, the sheriff, brought up the rear. A rope halter was fastened to the bridle of his horse, and by means of this the individual in front led the animal along. The man with his arms pinioned could not have guided his steed, therefore, if he had so chosen. He might have leaped from his horse and made off on foot, but refrained perhaps from fear of being checked by a pistol ball from the quiet individual who journeyed in his rear. Thus they rode on in silence, nothing but the steady tramp of the horses informing the folk along the road that a party of mounted men were passing in the night.

Several hours after Sheriff Sanderson and his two companions had set out from the jail a company of forty or fifty horsemen rode two by two down the main street of the village. It was now past midnight. The lights in the houses had all been extinguished, and the stores had been barred and shuttered until the following day. Deep sleep had fallen on most of the dwellers of the place, and only the aimless barking of dogs disturbed the quiet of the night. As the horsemen entered the town these dogs discovered something to bark at, and opened up with redoubled vociferation and vehemence. Signs of life now came from the houses along the way. Here and there a shutter was cautiously opened and hurriedly closed again,

When the horsemen reached the square they came to a halt. About a third of the number here dismounted, leaving their horses to the care of the remainder. Those on foot then proceeded noiselessly, but rapidly, toward the jail. All was dark as they approached. Reaching the front door of the building one of the number rapped loudly upon it.

A light appeared from an upper window and a woman's head was thrust out. "What is it?" inquired this woman, in a high, shrill tone, which those below thought indicative of nervousness.

"We've got a prisoner here, ma'am," replied one of the party at the door. "A chap from Nashville that there's a pretty good reward for. Ask your husband to come down and get him, for we want to be quit of him."

"John isn't here right now," said the woman at the window, "and he tells me never to open the door at night when he's away. Come back again in the morning."

"That's rather hard on us. Where is John?"

"Oh, I don't know; uptown, maybe—I don't know."

"Tell us where he is and we'll go hunt him."

"Oh, you couldn't find him, I reckon. I almost know you couldn't. Come back again in the morning."

"Mrs. Sanderson," said the gentleman below, who was spokesman for the party, "you ought to know me. This is Watkins, from up on Marrowbone Creek. I voted for your husband the last time he run, and I'm going to do the same thing the next time I get a chance. You know me, don't you, Mrs. Sanderson?"

"Why, for sure! That isn't Billy Watkins that married Betty Hightower, is it?"

"Just exactly who it is, ma'am."

"Well, I declare!"

"Let us in now, please, ma'am. We are all dead tired and want to get some sleep to-night. Give us the keys and we'll lock this fellow up ourselves."

"You're right sure that's Billy Watkins that married Betty Hightower?"

"No mistake in the world about it, Mrs. Sanderson. I can prove it by all these gentlemen here with me."

"This is Billy Watkins, ma'am," asserted several of that gentleman's companions. "It's him and no mistake."

"Well, then, I suppose I'll have to let you all in. It's dead against John's rules, but I reckon I'll have to do it."

The head was withdrawn from the upper window and a

woman's light step was soon heard on the stairway, accompanied by the jingling of keys. There was a fumbling about the lock, an impatient exclamation or two from the inside and the bolt was drawn back and the ponderous door swung wide open.

A dozen strong men swarmed into the hall and surrounded the sheriff's wife. "Mrs. Sanderson," explained Mr. Watkins, politely, "we don't wish to alarm you. We're not going to hurt you, ma'am; you may rest assured of that. We've come for that scoundrel, Cross-eyed Jack, though, and have him we must and will. So please, ma'am, give us up the keys."

"Why, gentlemen," replied the sheriff's wife, pleasantly, "John took that fellow away with him directly after supper, and where he's gone to goodness only knows."

"I thought you said John was uptown somewhere?"

"Oh, so I did, Mr. Watkins. One has to tell little fibs sometimes in this business. You gentlemen surely understand that."

"May we search the house?"

"Oh, certainly. I'll go around with you. We've only got two prisoners just now; one a white boy charged with being crazy; the other a negro for shooting craps."

Watkins and Mrs. Sanderson went up and inspected the two prisoners, who were both asleep on one pallet. There was another cell or cage in the large room, but it was empty. On the return trip Watkins came first down the stairway, while Mrs. Sanderson followed, jingling her keys. When they reached the lower hall where the others waited they all stood regarding each other in silence.

"This is bad," said Watkins, after a little, in a disappointed tone.

"It is, indeed," replied Mrs. Sanderson, sighing as if she had met with a misfortune.

Then the men in the hall stood round awkwardly a few minutes longer.

"How is Betty Hightower these days?" inquired Mrs. Sanderson, politely.

"She's well enough, I reckon," answered Mr. Watkins, gruffly.

Then the men, one by one, passed out at the front door, only two or three saying "Good-night." When they reached the street some indulged in profane language, while others laughed aloud. Mrs. Sanderson bolted the door behind them, and, going upstairs, resumed her nap where she had left off a half-hour before.

It was broad daylight when the sheriff and his night-riding friend reached the respectable city of Coopertown, perched high on the banks of the swiftly-flowing Cumberland. They proceeded directly to a strongly constructed building, with barred windows, situated not far from the water's edge, and here the three dismounted. By the cheerful light of day it could be easily discerned that the individual who had ridden between the other two men was decidedly cross-eyed and of repulsive visage generally. This individual was now turned over to the keeper of the strong building and a receipt taken for him as if he had been a piece of baggage. This formality dispensed with, the cross-eyed man was locked up in a rather cramped apartment, while Sanderson and his remaining companion of the night ride sat down with the head of the establishment to a hearty breakfast. The party hobnobbed here pleasantly for an hour or so, for they were all on excellent terms, and before they separated Sanderson sold a horse to the head of the establishment, who never had occasion, that I know of, to repent of his bargain.

Johan Ankerstrom, alias Cross-eyed Jack, languished in prison at Coopertown from day to day, and from week to week, and was by all odds, the jailer said, the most disagreeable boarder that had ever found lodging within the walls of his house. He sulked, grumbled about his fare and everything else, and when the least provoked, uttered guttural oaths in fragments of several different languages. Finally he called for pen and paper and wrote a scrawling, whining letter back to the home of his childhood, saying he was in a desperate predicament and needed help. The sheriff, having read this epistle through in the presence of the prisoner, thought he had summed up the situation correctly and promised to mail the document for him. This promise he speedily complied with, and never received from the vicious Johan even a thank for his courtesy. As to whether the recipients of the ruffian's message treated him with equal indifference, the reader will soon be informed.

## CHAPTER XI.

LAWYER PALAVER GIVES VENT TO RIGHTEOUS INDIGNATION, AND  
LAWYER SLOWBOY HOOKS A CLIENT FOR THE FIRM.

"BEATS all the damned doings that ever was heard of," cried Lawyer Palaver, clapping his clenched fist down emphatically upon the table. "Why, sir, they ran my man round up yonder in that infernal hill country as if he had been a rabbit—chased him, sir, with dogs through a briar thicket and a broom sedge patch; tore his clothes, bloodied his legs and sent bullets whizzing around his head while he was running. Oh, they are great fellows, up in that country, I can tell you."

"That's pretty bad," said the friend, who was taking a convivial glass with the lawyer. "What had your man done?"

"Done? Why, sir, you'll be astonished to learn he hadn't done a damned thing except to flee from the wrath to come when a howling mob was at his heels. They've got no case at all against my man, I tell you. No case at all. Mark my prediction, sir, the jury won't be out ten minutes, after they hear the judge's charge, before they bring in a verdict of acquittal. No, sir, they won't be out five minutes. No, sir, I'm damned if I believe they'll ever leave the box."

"How was it the mob got after your man so hotly?"

"No wonder you inquire, sir, and I'll tell you just exactly how it was. Up in the Marrowbone Hills when a crime is committed they rise up and kill three or four people, and then take the trouble to inquire into the matter. That's the way they do business up in that infernal country. Well, sir, you understand, up there somebody had murdered an old woman in the night. Bad piece of work, sir; no doubt about that. Calculated to exasperate them, which it did. Well, sir, they rose up and seem to have found the right man pretty quick. Of course they made short work of him, but that only whetted their appetites. When a tiger gets a taste of blood he's a bad tiger for some time afterward, and when a mob

gets started up in that hill country they're hell to stop. My man is a foreigner, and don't catch onto things, you see, like our folks. When he found the whole country on a rampage he got a big scare on him and tried to hide. Then it was they got dogs and set out to catch him and kill him. So they would have done, but luckily he saw the sheriff of the county passing and fled to that officer for protection. That's the tale, sir, and a devil of a tale it is, as I think you'll agree with me. The sheriff brought the poor fellow down here for safe-keeping, and that very night the mob surrounded the jail at Ashton, howling for his blood. Oh, them fellows were fatally bent on mischief, I tell you."

"Your client seems to have had a pretty close shave of it."

"Didn't he, though? He got off by the skin of his teeth, as the saying goes. It's an outrage, sir, the way he was treated—an infamous outrage, and somebody ought to be made to smoke for it. Why, sir, my client's folks are among the very best people up round Chicago. The Ankerstroms, I tell you, are highly respected there. Thrifty, thrifty, thrifty. You haven't met the old man, have you?"

"Never saw him."

"Fine old citizen, fine old citizen. Distressed to death over the trouble his son has gotten into. Afraid it will injure the standing of the family. I tell him by the time we get through the shoe will be on the other foot. Certain gentlemen in the Marrowbone Hills will be shown up in their true colors, and the advertising they'll get by this affair won't help them much, I can tell you. Palaver & Slowboy have been employed for the prisoner, and when Palaver & Slowboy take hold of a case it doesn't generally suffer for lack of attention; I think I can say that much for the firm, anyway."

"Yes, indeed," replied the friend, wiping his lips after he had absorbed the contents of his glass. "You might say a good deal more than that for the firm, Colonel, and not stretch the truth."

"Possibly so, possibly so," returned Palaver, waving his hand in a deprecating way. "As to how that is of course it's not proper for me to say. The world knows Palaver, and the world knows another thing damned well, and that is that Palaver never blows his own horn. One remark, however, I feel myself at liberty to make in this connection. One remark, which I make bold to say, sir, will not be gainsaid by any person familiar with the facts. Whatever may be thought or said of the senior member of the

firm of Palaver & Slowboy, upon the junior member, sir, there is no discount. Slowboy, sir, can be relied on under any and all circumstances to do his best."

"That's saying a good deal for him."

"It's a high compliment upon him, sir, and it's a deserved compliment. Wake Slowboy up at the dead hour of the night, if you will, with a demand for his services, and, damn me, if he don't rise up and do his best. He's a deserving young fellow, Slowboy is. Faithful, faithful, faithful. Not brilliant, I grant that. Not showy, not a man of parts, as—ah—perhaps some other persons are; but, damn me, if he isn't reliable. It's the plodding fellows that make the world go. Genius is the poor moth that flits about the candle, you know. Well, you can look at Slowboy and tell he's no genius. He was dull at school, and he's dull yet, but he gets there all the same. Palaver & Slowboy, as I was saying, have this case in hand, and the finding of the jury will be 'Not guilty,' as soon as it comes the jury's time to speak. Maybe that will be the end of it; maybe no, for I tell you in confidence I expect to get heavy damages out of the lively gentlemen back yonder in the hills who run human beings round in the broom sedge with dogs and shoot at 'em for pastime. The first thing, though, of course, is to clear my man, and that, I tell you, will be as easy as winking. They've kicked up a mighty hullabaloo over this matter, but their case when they get into court won't stand up long enough to be knocked down, mark my prediction."

In this overwhelmingly confident way did Lawyer Palaver express himself as to the final outcome in the case of the State of Tennessee versus Johan Ankerstrom, who now languished in jail, awaiting his vindication at the hands of a jury. As yet the prosecution had advanced no farther than the writ sworn out by Templeton shortly after the death of the widow Bascombe. He had been shrewd enough to waive an examination before a justice of the peace in the county where his crime was committed, and would now be held until the next term of the circuit court at Ashton, when a grand jury of thirteen good and lawful men would determine whether or no to present a true bill against him. As the assembling of the court was three months off, and the State as yet had made no effort to muster its witnesses against the accused, it seemed a little premature for his attorney to predict that whenever he faced the issue a triumphant acquittal was a foregone conclusion. But Palaver was one of those sanguine indi-

viduals who always believed, and robustly maintained, that everything at all affecting his own future was going to turn out just precisely as he would like to have it turn out. He was invariably on the right side of a lawsuit, had facts and logic at his command in such formidable array that they could not be withstood, and was dead sure to win—until he lost. Then he gave himself up for a brief season to righteous indignation; damned court, jury, and everybody who was even remotely responsible for bringing disaster upon him, and, after thus venting his spleen, flung himself with unabated ardor into the next case.

But if Lawyer Palaver was prone at all times and under all circumstances to take a roseate view of the future, Lawyer Slowboy was by nature rather inclined to go to the opposite extreme. This was singular, seeing that Palaver was bald-headed and spectacled, while Slowboy was in what is usually termed the first flush of youth, not having yet reached his twenty-third year. Nevertheless, Slowboy was cautious, disposed to magnify the obstacles he always saw in front of him, and inclined to place altogether too modest an estimate upon his own abilities. During the progress of a lawsuit he was nervously apprehensive as to the result, until the conclusion brought either success or defeat to his cause. If victory perched upon his banner, he sung the praises of Palaver, declaring that the result was attributable alone to the unexampled genius of that gentleman. If the firm encountered defeat, Slowboy took all the blame on himself, and maintained among his associates that if he had only done thus and so, instead of this way and that, the final outcome in all probability would have been different.

Slowboy, as the reader needs not to be told, was an enthusiastic admirer of his chieftain, Palaver. When but a small lad he had sat on the hard benches in the rear of the court-room and listened open-mouthed as eloquence flowed in unbroken current from the lips of the gifted gentleman. He imagined—Slowboy did—that if he could be brought in close communion with so talented a person, his fortune would be made. His mother, fortunately, was kin to somebody who was kin to Palaver, and by this roundabout means the desirable arrangement was at last effected. Slowboy went into Palaver's office as a sort of clerk and general underling, having the fact impressed upon him that if he was faithful and diligent he might, after a while, hope to rise. If ever a youth on this earth was faithful and diligent, Slowboy was faithful and



diligent in the office of Lawyer Palaver. It could not be truthfully said of him that he cleaned the windows and swept the floor, and polished up the handle of the big front door, because, as a matter of fact this particular service was not rendered by any one; but certain it is that everything else in the way of drudgery that was done at all was done by Slowboy. Finally, as the planet upon which he abode revolved around the sun the legs of the patient underling lengthened, and he passed from the gosling stage into one where his voice more nearly resembled that of a human being. Then the girls began to call him Mr. Slowboy, and he felt proud. A respectable middle-aged lady in the community also felt proud, for he was the only son of his mother, and she a widow. By this time he had come to write a neat, clerkly hand, being very painstaking in whatever he undertook. He had also, by much cudgeling of his brains, gotten himself well-grounded in the elementary principles of the law. If he didn't understand a proposition laid down in a text-book, he went back and tackled it again, and wrestled with it till he did understand it, and when he once got it into his head it was there to stay. As for oratory, he used to bemoan in secret to his mother the fact that the English language wasn't at his command when he needed it, and that his exasperating mind wouldn't work when he wanted it to work. The older lawyers patronized him, as older lawyers can always be relied on to do, and fed him with the hope that if he would only keep everlastingly at it, he might, in time, climb to the dizzy height on which they stood. Thus encouraged, Slowboy kept plodding along. After some years of faithful service the auspicious morning dawned on which the firm of Palaver & Slowboy solicited their share of public patronage, and then his cup of happiness was full. The articles of co-partnership were not perhaps as definite as they might have been, but they amounted in substance to an agreement that Slowboy should do all the work, and Palaver should take all the money, and this understanding—subject to such variation as occasional exigency demanded—had now existed amicably between them for some time.

Some weeks before the conversation narrated in the opening of this chapter it happened that Slowboy sitting in his office, and endeavoring to extract the kernel from a recent decision of the Tennessee Supreme Court, was interrupted by a modest tap upon his door. Bidding the person without to open and enter, he saw

first a bared gray head obtruded into the apartment, and next the diminutive person of an individual evidently considerably advanced in years, but still brisk and alert of movement. The little old gentleman held his hat in his hand, and bowed very low to Slowboy before making known his business, or even venturing forward to take the chair that was politely proffered him. When he did take a chair he hitched the heels of his shoes on the bottom round thereof, and sat with his knees unduly elevated, and supporting his elbows, which rested comfortably upon them. This attitude, which was partially justified by the visitor's shortness of legs, was nevertheless, in the opinion of the attorney, unbecoming and ungentlemanly, and Slowboy, therefore, at the very outset of their acquaintance viewed the little old gentleman with suspicion. There was also an air of humility about him not common with those who are accustomed to meet in daily intercourse none but their equals, and, moreover—a circumstance which Slowboy did not fail to note—his raiment was brand new, but of that quality which is usually handed down for inspection from the shelves of cheap clothing stores.

When the old gentleman had taken a seat, and hooked his heels firmly to the round of his chair, and propped his elbows comfortably upon his knees, he inspected the entire apartment critically, as if taking a mental inventory of all the articles of value which it contained. When he had completed his survey he turned to Slowboy and addressed him with suavity.

"Kernell Perlaffer, vere is he?"

"He's out," replied Slowboy, sententiously.

"Ah!" said the little old gentleman. "You are den perhaps de young man?"

"I'm his partner," answered Slowboy, with some pride manifested in his tone. "Palaver & Slowboy is the firm."

"Ah!" said the little old gentleman, bowing again respectfully to Slowboy. "Dat is so? Dat is so? Perlaffer & Slowboy. Ah! Dat is so? Dis is *Mister* Slowboy, den?"

Slowboy bowed.

"*Mister* Slowboy," said the little old gentleman, rising and extending his hand, "I haff de pleasure."

The lawyer accepted the extended hand and gave it a not very cordial shake. The old gentleman then resumed his seat and opened discussion upon the business that had brought him thither.

"*Mister* Slowboy," he began—and the lawyer could not help

thinking there was veiled irony in the emphasis placed on the prefix to his name—"I haff a case in de courts here, and vish to know vat you sharge for taking mine case for me. Pizness is pizness."

"What is your case?" inquired the attorney.

"I haff a son, a mizerble, onhappy son, vat lies down here in de shail. S'help me, such a thing never did happen to one of de fambly befo', but it haff happened now. My son lies in de shail, and I would get him out of de shail, and I speaks tò you as mine frient, and mine lawyer. Vot you sharge to take de case, hey?"

"Ankerstrom is your name," asserted Slowboy, who had learned that one of the few white persons in the county prison was a foreigner named Ankerstrom, charged with murder.

"Yes, yes, yes. I vill not deny my name. 'Tis a coot name. S'help me, de name never vas in throoble befo'. Vat you sharge me?"

"Your son is accused of the murder of an old lady in the county above this?"

"Ah, yes, yes. Mine poor poy. He is lacking here." And the old gentleman tapped his forehead with his finger significantly two or three times. "He is lacking; the poor poy is lacking. De doctor vill tell you so. He is likewise innocent as de new porn pabe. Vat you sharge me?"

"Five hundred dollars," said Slowboy, at a venture.

"Mein Cot!" cried the old gentleman, rising and dancing about the room as if the lawyer's unexpected reply had literally knocked him silly. "Ah, mein Cot! No, no! I have not de money, young shentleman. You mistake me for Fanterpilt, a Shay Cool, a Shon Shacob Astor, or peebles of dat kind. Five hundred dollars! Ter plessed Moses! No, no; no, no! Mine son must hang! My poor innocent shild must hang! Five hundred dollars! I haff not got de money." The old gentleman here sat down again and bowed his head in his hands for a while; then he raised it and addressed the lawyer respectfully:

"Dere are otter lawyers in dis town?"

"Plenty of 'em," answered Slowboy.

"Coot lawyers, too, I make no doubt?"

"First rate, first rate," answered Slowboy, heartily. "None better in the State."

"Meppe dey vill not pe so hard upon me?"

"Maybe not," answered Slowboy. "I advise you to try one of 'em."

The old gentleman here sunk his head in his hands again in deep despondency; then he raised it and once more addressed the hardened youth before him:

"Kernell Perlaffer, vot time vill he be in?"

"Can't say," answered Slowboy. "Most any time."

"Vell, I must go to de shail to see mine poy. By two-thretty ten I pe pack. At dat time I see Kernell Perlaffer. Five hundred dollars! No, no! I haff not got de money."

With these words the old gentleman withdrew, and Slowboy sent a runner round the town to notify the senior member of the firm that there was business awaiting at the office. When Palaver came in they discussed the question of the fee.

"You put it too low," said the senior member of the firm. "A thousand dollars would have been about the figure. Murder case; two or three trips to supreme court and back; trial in another county; half-dozen continuances; change of venue; damn me, if a thousand dollars is a bit too high!"

"He swears he can't pay five hundred dollars."

"He's a liar. He belongs, no doubt, to a gang of Chicago swindlers, who always help each other out in time of trouble. I've had some dealings with these scoundrels, and they pay well. Five hundred dollars will do, though, Slowboy. Five hundred dollars will help keep the pot boiling. Five hundred you've said, and five hundred it shall be. What time will the old scoundrel be in?"

"Half-past two."

"All right; I'll be here."

And at half-past two Colonel Palaver was on hand, and the little old gentleman was on hand also, and negotiations between them were conducted to a satisfactory conclusion. The old gentleman protested that he did not have five hundred dollars, and could by no possibility raise five hundred dollars, but the Colonel was obdurate, and the bargain was struck. Upon one point the old gentleman was as obstinate as the lawyer. He flatly refused to pay the entire fee in advance, though when the two men came down to business he did not deny that he had the money in his trousers pockets with which to liquidate the obligation. He finally paid down, as a retainer fee, twenty-five per cent. of the sum total, or one hundred and twenty-five dollars, in legal currency of the United States. The remaining three hundred and seventy-five dollars was then deposited in bank under a written agreement between the parties that no part of it should be drawn out until the

conclusion of the case, and then only upon a check to be signed by both lawyer and client. To this agreement, deposited with the banker, the little old gentleman signed his name, "Olof Ankerstrom," in a respectable hand-writing that compared well with the scrawl of the attorney above it.

Just here it may not be amiss to put in a word or two concerning the Ankerstrom family of Chicago and elsewhere. It was an enterprising family in its way, consisting of the little old gentleman and some half-dozen sons and daughters, who had been accustomed from infancy to dodge and hide and look out for themselves, about as young foxes do. Johan was regarded as the least promising of the flock. He was not so keen-witted as the others, and was far more brutal by nature than any of the rest. The old gentleman really expressed the family opinion when he tapped his forehead and said to Slowboy that Johan was lacking. He was lacking, just as many another human brute is lacking who has nothing like a conscience to restrain him from the gratification of his basest animal impulses. Whatever his vile nature prompted him to do, he did, unless fear of immediate apprehension and punishment deterred him. The other members of his family despised him; they held their heads considerably above him; they would have been glad at any moment to hear of his death, but they always came to his rescue when he got in trouble. That they did not shake him and carry out their oft-repeated threats to wash their hands of him for good and all, can only be explained upon the principle that family ties throughout the entire animal kingdom are mysteriously strong. Hogs are by nature the least sympathetic of all the brutes. They will jostle each other unceremoniously from the feed trough, and pass and repass habitually without even the courtesy of a friendly grunt. But let a marauding shote get his head stuck fast in the crack of a fence and send forth a lusty squeal for aid, round him will rally quickly his sisters, his cousins and his aunts, together with all his bachelor relations, and with their bristles turned the wrong way the whole tribe will go in, forgetful of themselves, to render such assistance as they can to a supplicating brother in distress.

So it was when Johan Ankerstrom found himself behind the bars of the Coopertown jail, with a charge laid against him that might rid him of his worthless life, he sent forth such a squeal that it reached the ears of his kinsmen beyond the Ohio River, as he intended it should. And so it was when the family heard that

Johan was once more in trouble, they called a council, and cursed him, and damned him, and wished him well out of the world, and not only out of the world, but in a very hot place which is supposed to exist somewhere beyond the confines of this earth. These preliminaries through, they got down to business, raised a substantial purse and dispatched the old man south to see what could be done in behalf of Johan. Journeying southward, the old man reached Coopertown, as we know, and employed able counsel to represent his son in the courts. He also hung around the jail here for some time, winning the sympathy of many by his pious aspect and dejected countenance. When the time came for him to take his departure, he shook hands cordially with all the jailer's family and presented his unfortunate offspring with a copy of the Old Testament Scriptures, in one of the heavy covers of which he had deftly inserted a very slender steel saw of excellent temper. This parental duty discharged, he bestowed his blessing upon the household and went his way for a season.

## CHAPTER XII.

THERE BEING UNDUE EXCITEMENT IN THE PUBLIC MIND THE CASE OF THE STATE VERSUS ANKERSTROM IS CONTINUED TO THE FOLLOWING TERM.

WHILE the old gentleman was making praiseworthy effort in different ways to extricate his son from the perilous position in which he found him, Mr. Bob Lee Templeton neither slumbered nor slept in his anxious desire to bring this same son to close acquaintanceship with the hangman as speedily as possible. On the night when Sandy Kinchen shuffled off his mortal coil under the gallows-tree, Templeton, as will be remembered, plead for the law, maintaining that it was in all respects sufficient for the trial and punishment of criminals, and that society must look to the law alone for redress of its wrongs. Now, when the brutal scoundrel—who ought to have died in Sandy's place—was apprehended and turned over to the sheriff, Templeton felt it incumbent upon him to make good his assertion that the law could be relied on to deal with evildoers, and he set to work to aid the law to the extent of his ability. He was young, had leisure, some money not needed for his immediate necessities, and he did not object, for more reasons than one, to putting in a considerable part of his time in and about the region known as the Marrowbone Hills. He became quite intimate here with Pearson, who was working up the case in a quiet but effectual manner, and with others who were bending their efforts in the same direction. He also, by occasional interviews with Major Habersham, was enabled to inform himself pretty well as to the state of the country, and at each of his visits for this purpose he managed to while away a little time in the society of the Major's daughter without being desperately bored.

There were a half-dozen counties in the judicial circuit, and neither the judge nor the attorney-general resided in that in which Ankerstrom was to be arraigned and tried. Twice a year they

rode into the town of Ashton, and devoted themselves for two weeks to the task of clearing the docket of such cases as they found awaiting them. Usually more than half of this limited period was consumed by the judge in hearing civil cases, and fully half of the time of the attorney-general was taken up in drawing indictments and examining witnesses before the grand jury, to the end that fresh grist might be brought before the judicial mill to be ground. When the two weeks had elapsed the grand and petit juries were discharged, the minutes of the court were signed, and the judge and the State's officer betook themselves to another county to begin over again the process of administering justice and upholding the majesty of the law.

The fall term of the court at Ashton began on the first Monday in September, and, as it was important to use dispatch, all the witnesses in the Ankerstrom case had been summoned, and were on hand ready to give evidence before the grand jury. Both Templeton and Pearson had labored to secure their attendance; and, when mustered, there was a goodly array of them, for as a matter of precaution every person who knew anything of the case, either by hearsay or otherwise, had been brought to court. The attorney-general was a middle-aged gentleman, of somewhat nervous temperament, and rather prone to lose his temper on slight provocation, but capable of getting through with a good deal of business in the course of the day. He conversed on this occasion privately with a good many persons, young and old, black and white, male and female, who had been summoned to testify against divers offenders, and embodied the substance of the information thus obtained in indictments which he drew hurriedly for the consideration of the grand jury. Somewhat to the annoyance of Mr. Bob Lee Templeton, he postponed speaking to the witnesses in the Ankerstrom case until late in the afternoon, and after his conference informed them that they must all come back the next day, as he would not have time to draw so important an indictment until he went to his room that night. This announcement caused grave dissatisfaction among the witnesses, and Templeton indulged in some censure upon the State's officer, but Pearson said he saw nothing unreasonable in his behavior, and that when people came to court they must expect to put up with a little inconvenience.

Next morning the witnesses were all on hand, most of them in no very good humor; and during the course of the second day they were admitted, one by one, into the sacred precincts of the



grand jury room, where each was permitted to tell his tale. Late in the afternoon the grand jurors—thirteen in number, headed by an officer—filed into the court-room with a formidable batch of true bills and other important papers. These the foreman gravely handed to the judge, who after brief inspection passed them to the clerk who thrust them at once in his bosom with the air of one who has a dreadful secret in his keeping which he would rather die than divulge.

Pearson and Templeton received private information from the attorney-general that several indictments against Ankerstrom were in the batch of papers they had seen the clerk secrete in his bosom, and as a special favor, after court adjourned, they were allowed to inspect them. One charged the accused, Ankerstrom, with having feloniously taken and carried away a chopping ax of the value of two dollars, and of the goods and chattels of Gabriel Havemeyer, with the intent on the part of the culprit to deprive the true owner of his property and convert the same to his own use. The second charged the offender with having broken open a mansion house in the night time with the intent to commit a felony therein. The third paper asserted that the same criminal had wilfully and maliciously set fire to and burned the dwelling house of Mrs. Susan Bascombe, and was therefore guilty of the crime of arson. A fourth indictment charged the wilful murder of the old lady, and when the two unprofessional men reached this they supposed it was the last. The law they found, however, had still another hold on Ankerstrom, for the State's officer handed them an additional paper charging the villain with having stolen from the Hopson family one tablecloth worth fifty cents and divers and sundry articles of the aggregate value of three dollars, to wit: two broiled chickens, three dozen biscuits more or less, one boiled ham, one bag of sweet cakes, a jar of cucumber pickles, twenty-seven dried-apple pies, commonly known as "flapjacks," etc., etc.

When they had finished reading the last paper the attorney-general informed them that he might have preferred a sixth charge against the accused for personal assault upon the sick man Hopson; and possibly a seventh, for breaking into the house, since some force was used in effecting an entrance. Many prosecuting attorneys in the State, he said, would have pursued this course with a view of increasing costs, but he was not that sort of a man. Templeton commended him for his frugality where the

public interest was concerned, and inquired as to which of the charges the accused would be brought to trial first upon, or whether he would be held to answer them all at once.

"Why, no indeed," answered the State's officer. "That wouldn't do, you know. We will try him on one of these indictments, and if we fail we will take him to task on another; and if we have bad luck there, we will drag him up on the third; and if our hold breaks there, we will tackle him on the fourth, and so on. This is about the course we'll pursue, and by the time we're through with him, unless I'm pretty badly fooled, there won't be much left of him."

"Well," said Templeton, who being younger than Pearson assumed the right to speak for them both, "this fellow has committed murder, a cold-blooded and cowardly murder; there isn't any doubt about that. Suppose we therefore arraign him for murder, and try him and hang him for murder right away, and let the other charges against him be dismissed. When we've hung him for his principal offense, he will have passed beyond our reach, and there'll be nothing else we can do to him."

"There's sense in that," responded the attorney-general, musingly; and he looked out of the window as if he was turning the proposition over in his mind. Templeton handed him a cigar, and when he had puffed at this a while, and found it was a good cigar, he seemed to attach even more importance to the young man's proposition. "There's a good deal in that; there's a good deal in that," he repeated, nodding his head to Templeton. "Well, we'll try that."

"Suppose we set the murder charge for one day next week," said Templeton, "and try him and convict him on that. We might possibly get ready by to-morrow, but we'd better not go too fast. We can have all our witnesses back here next Tuesday, and we'll take up the case on that day and go right along with it. That is, of course, if it suits you."

"That's a good idea," said the attorney-general. "Fust rate; fust rate. I'll have the case set for that day. The fellow's down here in jail at Coopertown, ain't he?"

"Yes."

"Who's his lawyer?"

"Nobody, I reckon. He's not able to employ a lawyer, and a lawyer wouldn't do him any good. He's guilty beyond all question."

"All right; we'll try him next Tuesday. I'll get the judge to assign some of these young fellows to defend him," and the attorney-general walked away, and had the case of Ankerstrom, charged with murder, set for the following Tuesday. He directed the clerk also to forward without delay a copy of the indictment to the prisoner in the Coopertown jail.

Seeing that the attorney-general had his hands full of other matters, our two friends, together with other active persons from the neighborhood of the tragedy, set to work at once to make ready the state's case by the following Tuesday. The witnesses were all resummoned to appear, and trusty individuals were detailed to look after those about whose voluntary attendance there was some doubt. Mr. Bob Lee Templeton had entirely recovered from his discontent of the evening before, and now cheerfully did his endeavor to put everybody else in a hopeful frame of mind, and induce them to return to court at the appointed time. There were some grumblers, of course, and some prophets of evil, but all these were put to silence by the assurances and encouragement of the candid youth.

"You fellows be sure to come back," cried Mr. Templeton to a group of witnesses, who were muttering about the distance they had to travel in going to and from the court. "Let every man of you come back next Tuesday. If a few stay away, don't you see, that will spoil the whole business, for like as not some of the missing ones may be important witnesses, and the case would have to be continued for lack of proof. That will never do in the world. So let every man be on hand to answer to his name next Tuesday."

"I've lost two days already," replied one of his auditors, "and the worms are eating up my tobacco."

"That's bad; that's bad," rejoined Mr. Bob Lee Templeton, in a sympathetic tone. "I know just how it is, my friend, for I'm a farmer myself. But come one more time—just one more time. Don't forget that a good old woman has been murdered, and that the scoundrel who killed her should be hung without delay. I know just what I'm talking about, and I tell you one more day in this cause will be sufficient. I and the State's attorney have talked the thing over, and you can all depend on what I say."

When the following Tuesday came around the witnesses were all again in attendance, and court having been called to order, sheriff Sanderson appeared at the bar with the prisoner, Anker-

strom, who the day before had been brought from the jail at Coopertown. The attorney-general called upon the fellow to hold up his right hand, which command the sheriff finally induced him to obey. The indictment was a lengthy one—for the State's officer was a great stickler for old forms and phrases—and was read in clear and deliberate tones, so that the whole court-room might hear. It charged, after the caption, that in the county and state aforesaid, and upon a certain day in the preceding June, Johan Ankerstrom, alias Dutch Ankers, alias Cross-eyed Jack, alias the Flying Dutchman, did wilfully, unlawfully, feloniously, deliberately, premeditatedly, and with his malice aforethought, assault Mrs. Susan Bascombe, of the county and state aforesaid, with a deadly weapon, to wit: an ax. And with said ax the said Johan Ankerstrom, alias Dutch Ankers, alias Cross-eyed Jack, alias the Flying Dutchman, not having the fear of God before his eyes, and being moved and instigated by the devil, did strike and inflict divers and sundry grievous and mortal wounds upon the body of the said Mrs. Susan Bascombe, of which grievous and mortal wounds the said Mrs. Bascombe did languish until the day following, to wit: June —, and on that day languishing she did die of said wounds. Wherefore (the document went on to allege), we, the grand jurors for the State and county aforesaid, being duly elected, impaneled and sworn upon our oaths the truth to speak, do present and say that Johan Ankerstrom, alias Dutch Ankers, alias Cross-eyed Jack, alias the Flying Dutchman, did wilfully, unlawfully, feloniously, deliberately, premeditatedly, and with his malice aforethought, kill and murder the said Mrs. Susan Bascombe, in the county and State aforesaid, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State.

"Are you guilty or not guilty?" inquired the State's officer when he had finished reading the lengthy accusation.

Ankerstrom scowled upon him and made no reply. He either did not fully understand the purport of what he had heard, or he made believe not to understand it.

"If the court please," said a young attorney who had been assigned to defend the prisoner, "we enter a plea of not guilty here."

"Very good," said the judge. "Let the clerk record this upon the minutes. Is the State ready to proceed with the trial of this cause?"

Bob Lee Templeton, forgetful of the proprieties of the place,

was about to arise and assure the court that the prosecution was ready, but the attorney-general forestalled him. He informed the court, in deliberate tones, that the State wished to enter at once upon the trial of the cause.

"Is the defendant ready?" inquired the judge, addressing himself to the young attorney who had been assigned to look after the prisoner's interests.

The young attorney here went over, and seating himself beside his client, sought in a hurried conversation to obtain some facts bearing on the issue about to be raised. While he was thus engaged lawyer Palaver entered the court-room, bearing in his right hand a suspicious-looking black satchel containing papers weighty in the law, and containing also tucked away snugly at the bottom a neat little flask of strong waters. He always carried this satchel about with him, and, the general impression was, would have been as utterly helpless without it as Samson with his head shaved. He now looked all about him, and withdrawing his gloves deposited these, with his satchel and cane, upon the table by which he stood. When he had done this, observing that there was a lull in the court-room, he addressed himself to his Honor upon the bench.

"If the court please," said lawyer Palaver, "I have just learned that a client of mine, one Johan Ankerstrom, has been indicted here upon a very grave charge, and I rise to ask that his trial be set for some day of the next term, so that both sides may then be in readiness to proceed with the investigation."

The attorney-general here mumbled out something about being needed in the grand jury room, and hastily withdrew from the presence of the court.

"Why," said the judge to Palaver, "we have that very case up now, and I was about to order the jury to be sworn."

"What!" cried Palaver, in astonishment. "I—ah—perhaps I did not understand your Honor."

"The State has announced ready," said the judge, "and the case was about to go to trial when you came in."

"Go to trial—go to trial?" repeated Palaver. "The attorney-general has announced ready, does your Honor say? Why, sir, was the like ever heard in the court-house before? My man is here on trial for his life. He is a foreigner, and can hardly speak the language. He has not had a minute's time for preparation——"

"Why," said Mr. Bob Lee Templeton, interrupting him, "this man has been in jail, if the court please, for three months. He certainly has had abundant time to prepare his case, and the witnesses we have brought here will tell the whole story, as the gentleman will find further along when we get into the evidence."

Palaver turned and regarded the speaker, first severely and then inquiringly. "If the court please," he remarked in a dignified way, "I do not know this young gentleman, but I suppose, of course, he is one of the counsel in the cause." Mr. Templeton's abashed look showing too plainly that he was not of counsel in the cause, the lawyer continued: "I move you, sir," addressing the judge, "that this young man produce his license before the clerk and be sworn in as one of the practising attorneys at this bar."

This caused a broad smile to spread itself over the court-room, and looking about him, Templeton was pained to observe Miss Sue Bascombe, who was present as one of the witnesses, biting her lip to suppress an inclination to laugh. This added manifestly to his discomfiture, for all nice young men have their share of vanity, and nobody likes to be laughed at.

"Where's the attorney-general," inquired the judge, in response to Palaver's request. "He ought to be here looking after this case. Go fetch him in at once, Mr. Sheriff."

The sheriff promptly retired in quest of the State's officer, and Templeton followed him out into the hall. When the attorney-general presently emerged from the grand jury room the young man halted him and took up a few moments of his valuable time.

"I say," remarked Templeton to the busy official, "one moment, one moment, if you please. There's an old man in the other room trying to put off our case. It will never do; never in the world, I tell you. It's been three months since Ankerstrom killed the old woman, and the folks in that country are getting dreadfully impatient. Their opinion of the law is none too good now, and if this case is put off, there's no telling what they will do or say. So do you go right in and head this old man off. He's talking wild, saying he hasn't had time to get his case ready, and I'm afraid he'll deceive the judge.

"I'll fix him," responded the State's officer, tearing himself from the young gentleman and hastily entering the court-room. Once in the presence of the judge, and informed of Palaver's

application to postpone the trial, he began a rather vehement address, which apparently was intended more for the bystanders than the court. He had proceeded but a little way before Palaver arose and politely interrupted him.

"If your Honor please," said Palaver to the judge, "I would like, with the permission of the court, to prepare an affidavit."

"Certainly," replied the judge. "The defendant's counsel has that right."

The attorney-general then sat down and fell a-chatting pleasantly with some of the lawyers about him. Palaver withdrew, with a stub pen, ink bottle and several quires of paper. He was great on affidavits; indeed, I may say, that was his specialty, and no lawyer had ever been known in his section who could cram more statements into a document for his client to swear to. Having consumed less time than usual in the preparation of his paper, he after a bit returned into the court-room with a very confident air about him. The affidavit, verified by Ankerstrom on oath, alleged the undisputed facts that the indictment against the prisoner had been brought in by the grand jury then in session, that it charged murder in the first degree; and then the further allegation was made that owing to excitement in the public mind the accused could not safely go to trial at that term of the court.

"That is sufficient," cried the judge from the bench as soon as the paper was read. "No use to waste more words about it. It is well enough settled in Tennessee that a defendant cannot be forced to a hearing at the term in which the indictment against him is found, where the indictment charges murder and he files an affidavit stating that owing to excitement in the public mind he cannot safely go to trial. To hold otherwise would be reversible error on the part of this court, and the case must go over till next term."

This ruling excited no sort of surprise on the part of the attorneys present. The attorney-general looked up at the judge and nodded gravely his indorsement of the action of the court. Palaver sat down by his cane and hand-bag, crossed his legs, shook his foot, and assumed the air of a wise man who knew very well in advance what was going to happen. The fact was he had not bothered himself at all with preparations for the defense, and had nothing whatever in his black satchel bearing on the Ankerstrom case.

As the lawyers and other gentlemen wended their way toward the hotel at the noon recess, Mr. Bob Lee Templeton overheard a conversation that made his ears tingle.

Palaver, to the attorney-general, who was walking by his side: "What smart young chap was that, Whackemall, who put in his mouth this morning while I was addressing the court?"

Attorney-general: "Templeton his name is. He is taking a good deal of interest in the Ankerstrom case."

Palaver: "Any kin to the old woman that got killed?"

Attorney-general: "None that I know of. None at all, I believe."

Palaver: "What's he got to do with it, then?"

Attorney-general: "That I can't just make out. I think he's in love with that black-eyed girl you saw in the court-room. She's the old woman's granddaughter."

Palaver: "Ah, that explains it. I saw him turn red this morning when he looked at her, and wondered what the hell he was blushing about. So it was at his instance you made that nonsensical talk opposing my application for a continuance?"

Attorney-general: "Yes; he urged me to do it, and I just spoke to oblige him."

Palaver: "Ah, I see, I see. Right embarrassing sometimes to have a damned fool for a client."

Mr. Bob Lee Templeton here slackened his pace, so as to allow those ahead to increase the distance between them. He was on his way to the tavern to get dinner, but he changed his mind and took a notion to stroll round town before proceeding to the hostelry. As he strolled he came in contact with a good many witnesses that had been brought to court to testify in the Ankerstrom case. They scowled at him and indulged in uncomplimentary remarks as he passed.

"That the smart Aleck," said one, "who had a private understanding with the attorney-general."

"His head will be gray before that understanding is carried out," retorted another.

"The next time we catch a red-handed murderer I hope we'll have sense enough to hang him up, without listening to any smooth talk from such palavering chaps as him," proclaimed a third.

Mr. Templeton strolled on. He soon took a side street where nothing harassing would be likely to occur, and where he could



make a serious effort to get a hold upon himself. When, an hour or so later, he seated himself at the hotel table, he was outwardly calm, but his appetite had deserted him. He found, moreover, upon self-interrogation that a good deal of his veneration for the law had departed with his appetite.

## CHAPTER XIII.

YOUNG MR. TEMPLETON CHANGES HIS MIND WHEN OUT OF HUMOR,  
AND REVERTS TO HIS FORMER OPINION WHEN CHEERFULNESS IS  
RESTORED.

THAT afternoon as those who had been summoned in the Ankerstrom case journeyed homeward from the town, some were merry and some were mad. Templeton was of the company, and for a short distance he rode by the side of Miss Sue Bascombe, who having made her second trip to court considered herself pretty well posted now as to the legal methods of transacting business.

"Law is a great profession, Mr. Templeton," remarked the young lady as the horse that bore her jogged along at a steady gait toward the place of her abode, "and I wonder they don't have more female attorneys in the country. It seems to me to be a profession much better adapted to women than men, anyway."

"How is that?" inquired Mr. Templeton.

"Oh, they talk so much," replied the young lady, "and it all amounts in the end to so little."

Miss Bascombe was inclined to be sarcastic, but Templeton accepted her observations seriously. "That's a fact," he answered rather sullenly.

"It's all talk and no cider, as we say in the country," continued the young lady. "The judge has his say, the lawyers have their say, and now and then an outsider puts in and tries to have his say. I think you made a little experiment in that direction this morning, didn't you, Mr. Templeton?"

"Yes," replied the gentleman addressed, "but it didn't help me, or the cause of justice, either."

"Of course not, of course not. You didn't seem to have many friends among them, and as for the cause of justice I don't suppose that was on anybody's mind at all."

"I'm inclined to agree with you," replied the young gentleman gloomily.

"Well," pursued the young lady cheerfully, "next January I reckon they'll go to the court-house again, and talk some more, and send us all back home again with nothing done."

"Shouldn't wonder," replied Mr. Templeton.

"It will be fun though. Splashing through the mud and rain a matter of twenty miles in midwinter will be jolly. Nobody could grumble at that."

"I suppose not," replied Mr. Templeton.

"The lawyers, though, don't splash through rain and mud to any alarming extent. All they have to do is to stand up in the court-room and talk. That's what makes me say law is such a delightful profession."

"And that's what makes me say," answered Templeton bitterly, "that it's a humbug."

"A what?"

"A farce. A miserable contrivance for defeating the ends of justice."

"Why, my goodness," replied the young lady, "I thought, Mr. Templeton, you was on the side of the law. You speak like some of these outrageous Marrowbone people, so you do."

"I feel as indignant as any of the Marrowbone people could feel. Some steps must be taken in this community by which scoundrels can be brought to justice."

"Do you think so?" She spoke in a graver tone than she had used before.

"Indeed I do think so. The administration of justice seems to be hampered in the courts by antiquated rules that may have suited other people differently situated, but are not adapted at all to the condition in which we find ourselves to-day. Criminals should be punished, and that without unreasonable delay. Honest men and women are entitled to protection. The law as now administered affords great encouragement to scoundrels."

"Teddy McIntosh couldn't say worse than that."

"He wouldn't tell the truth if he said less."

"You seem to be in real earnest, Mr. Templeton."

"Indeed I am."

She hummed a little tune to herself a few moments and then she addressed him abruptly.

"Why don't you join the Ku Klux?"

"What's that?"

"As if you didn't know."

He tried to get up a laugh, but failed. "I'm more than half in the humor," he replied gravely.

"When you're altogether in the humor let me know."

"What have you to do with it?"

"Nothing at all."

"If you had I'd ask you to hand in my name at the next meeting as a candidate for admission to the order."

"You said just now you were only half in earnest."

"I'm in dead hard earnest now."

"Honor bright?"

"Honor bright."

The two were proceeding along the highway by themselves, though there were others at a short distance in front and rear of them. Among these was the youth called Teddy McIntosh, who was about fifty yards in front.

"Ha-ha-ha," laughed Miss Bascombe in a very natural way, though nothing had occurred, that Mr. Templeton knew of, to excite her mirth.

Teddy glanced back over his shoulder, and she raised her right hand above her head for a moment, with three fingers extended, the others closed. It was a careless gesture, and would have attracted no special attention if one had observed it. Mr. McIntosh did not instantly quit his companion but in a little while dropped back and joined the young lady and Templeton.

"Teddy," said Miss Sue Bascombe in a calm matter-of-fact way, "Mr. Templeton has business to-night over on Dead Man's Knob, and he doesn't know the way. Won't you be kind enough to take him there?"

"Why, for sure," answered Teddy. "I'll be glad to show him the road."

Then there was pleasant chat of an indiscriminate kind, and before a great while the young lady bade them good-by, and leaving the main highway, took a less frequented route that led to her home. Teddy McIntosh now took charge of Templeton, and escorted him to the house of a friend, where they supped and rested their horses.

About ten o'clock at night the two men mounted again and rode off together. No questions were asked as to their proposed destination by the discreet members of the household, and no

information on the subject was volunteered by the equally discreet Mr. McIntosh. The two men rode off together, and for some time rode in silence.

"Miss Sue is all sorts of a girl," said Mr. McIntosh, breaking silence after a while.

Not fully understanding whether this was a compliment or the reverse, Templeton did not reply.

"She's all sorts of a girl," Mr. McIntosh continued. "I've been knowing her ever since we were both little children, and I don't know her yet. Now and then she's funny and frolicksome, just like other girls. It isn't very often, though, you catch her in that sort of humor, and when you do it's more than half put on. As a general thing she takes after her granny, and her granny had more grit than half a dozen common men."

"Does she really belong to the Ku Klux Klan?" Templeton ventured to inquire.

"How's that?" answered Teddy, as if he hadn't heard.

"Is she a member of this order she was speaking of?"

"Oh, I dunno. Maybe she is, maybe she ain't. There's just no telling. You never can catch up with her, you see."

This was all the answer Mr. Templeton received to a question he had propounded to himself several times in the last few hours without being able to frame in his own mind a satisfactory reply.

Traveling for about an hour the two young men came to a conical hill rising abruptly from the surrounding valley and a short distance off from the wayside. There are many such in that part of the country, but this was more rugged than the rest, and had an evil reputation from the fact that at a time prior to the civil war a stranger had been enticed to the spot and murdered for his money. At the foot of this they dismounted, and proceeding Indian file along a narrow path they climbed it slowly, each leading his horse. They had not gone far in this manner before a man in front blocked the way. This individual said nothing, and made no demonstration, but stood stockstill until McIntosh, who was in the lead, came close to him and extended his hand. The sentinel reached forth his own, and after a friendly grasp, stepped aside and allowed the two men to proceed. He had no weapons—or Templeton saw none as he brushed close by him—though standing there as an outpost he could scarcely have expected, unarmed and unaided, to be able to repel intruders.

Pursuing their way the two young men after going a short

distance turned aside and hitched their horses in a thick clump of trees, where they saw others standing. Here they began a precipitous ascent, up which a horse, however clear-footed, could hardly have clambered. A little further on they were halted by a second sentinel, who again said nothing, but stood in the way till McIntosh had advanced and clasped hands with him. Next they reached a level strip of earth upon which stunted cedars grew so thick as to make a passage through it almost impossible. Skirting this by a circular path they reached a perpendicular bluff of rock, with a small open space between it and the thicket. Here they came upon a group of men sitting side by side on the ground, their line forming a rough circle of about twenty-feet in diameter. Each of these, Templeton noticed, wore a tall black cap, and his figure was shrouded in a mantle of the same somber hue. Not far from the center of the circle sat one with a tall white cap and wrapped in a white garment. On either side of him was a figure robed in black, as were those of the outer circle.

Teddy McIntosh advanced into the middle of the group and faced the chief figure robed in white. Behind him came Templeton, and as they reached the center of the circle he faced and stood fronting the white-robed figure. Perfect silence was maintained by all present. Each member of the circle sat on the earth with his head bowed, and nothing on the part of any of them indicated a consciousness that strangers were present.

"Majestical Grand Cyclops," proclaimed Teddy McIntosh, addressing the central figure, "this mortal desires admission into our mystic brotherhood."

No response at all was elicited by this announcement, but all sat on the earth as before with their heads bowed.

"Majestical Grand Cyclops," repeated McIntosh, "this mortal desires admission into our mystic brotherhood."

Then all at once arose and stood in silence around the circle. Templeton was astonished to find that the central figure, though apparently that of a thin person, was not much less than ten feet high. The long white cap added a good deal to the stature of this individual, but making due allowance for this he was undoubtedly the tallest person the young man had ever seen. His face was muffled, and his features could be but dimly discerned by the starlight that alone lessened the surrounding obscurity.

"Majestical Grand Cyclops," proclaimed Teddy McIntosh for

the third time, "this mortal desires admission into our mystic brotherhood."

At this moment some one, whose approach had not been detected, stole softly up behind Templeton and blindfolded him. When this had been accomplished the tall figure in white for the first time vouchsafed a reply. He asked many questions of a searching nature regarding the character and qualifications of the candidate, all of which were answered in a complimentary manner by McIntosh, who acted as sponsor. Then the Grand Cyclops inquired of the clan:

"Does any one present know of a reason why this mortal should not be received as a member of our mystic brotherhood?"

A silence of some moments followed this inquiry. Then the command came in solemn tones:

"Mortal, kneel."

Without hesitation Templeton obeyed.

"Raise your right hand to heaven."

He did so.

"Repeat after me now the solemn obligation which every member of this mystic order is required to take."

The speaker here proceeded slowly and distinctly, and Templeton repeated after him:

"I, Robert Lee Templeton, of my own free will and accord, and in the presence of these comrades, and of the Ruler of the universe, do here register my sacred oath that I will never reveal to any one not a member of this brotherhood any of the signs, grips or passwords that may hereafter be imparted to me. That I will never reveal to those not members of this brotherhood the fact that I know of its existence, or that I, or any other individual, is connected with it. I here register my sacred oath that I will never let the true name of the order, which I am soon to receive, pass my lips though none but a brother be nigh. I here register my sacred oath that I will promptly obey all the decrees of the brotherhood, when not inconsistent with the law of the land, and should I at any time prove faithless to the obligation I have here assumed I invite on my head the awful penalty that will then be my due."

"Mortal, rise," was the command after the oath had been taken.

Templeton rose to his feet and stood blindfolded before them. Some one now drew near and threw a mantle over his shoulders,

placing at the same time a cap on his head, which he supposed to be similar to those worn by others about him.

"Advance, brothers, and give to this mortal the secret grip of the order, in token of the fact that you greet him as a member of this brotherhood."

One by one those about him came forward, and each extending his own right hand, took that of Templeton. As the grip was given the forefinger of each in turn was extended until the tip of it rested on the wrist of Templeton, about the point where the pulse is usually felt. A gentle pressure was given, once, twice, thrice, and the individual extending the greeting passed on. Lastly the tall individual who had been spokesman during the ceremony came forward and took the candidate by the hand. He stretched out his long forefinger and allowed it to rest on Templeton's wrist.

"Mortal," he said, "you are now about to attach yourself to this mystic order whose members never assemble until after the sun goes down, whose true name may not be uttered even among themselves, but which is known to the vulgar as the Ku Klux Klan."

As the speaker pronounced each of these syllables he pressed his forefinger by way of emphasis on the wrist of Templeton.

"Turn thy right ear," he now said, "and I will deliver to thee in private the true name of this mystic order."

Templeton obeyed, and the speaker stooping low whispered softly in his ear a word of several syllables, which Templeton had never heard before, which was in a strange language and pronounced so indistinctly he was not sure he caught the sounds aright.

"I greet you now as brother," continued the tall man, addressing him once more aloud, "and remember that wherever you go you may make your clanship known by the sign of the three. If you would draw one of the order to your side first call his attention by an innocent sound, then raise the right hand quickly with the thumb and little finger closed, the other three fingers extended and separated. If you would greet a brother or make yourself known to one who is a stranger, give him your right hand and press three times distinctly but lightly on the pulse of his right arm. Brother, for we count you stranger no longer, we bid you thrice welcome as a member of this mystic clan. When the brotherhood has once more extended greeting you will be



withdrawn beyond the confines of our circle, but you may re-enter unaided if you can give the sentinel the grip of the order and whisper in his ear the countersign for the night, which I will now impart to you."

The tall master of ceremonies once more stooped and whispered in the ear of Templeton the password which had been adopted for the night. The syllables were easily caught and not difficult to remember, for the countersign as imparted to him in confidence by the Grand Cyclops was "Sue Bascombe."

The bandage was now removed from his eyes, and he saw the tall man still standing, with a figure robed in black on each side, as at the beginning of the ceremony. One by one the black-robed figures that composed the circle left their places and greeted him with a grasp of the hand and a significant pressure of the forefinger thrice repeated upon his wrist. He observed in the dim starlight that each of these had three large white letters, K. K. K., upon the breast of his gown, and looking down he saw that he himself was robed in black, and that the same letters were inscribed upon his breast. When his brother members had a second time greeted him he was again blindfolded, his cap and robes were taken from him, and he was led away to a spot some distance off. Here his sight was restored, and there was none with him but Teddy McIntosh, clad in his ordinary garb.

"You may now follow me," said Teddy, "and we will go back into the circle. You must not press too close upon me, however, and when I have passed the sentinel you must approach him alone, give him the grip and whisper in his ear the password you have just received from the Grand Cyclops."

Obedying this instruction literally Templeton passed the outpost without difficulty, and following his guide soon reached the group of persons he had left assembled in the open space between the cedar thicket and the foot of the bluff. Each was clad in ordinary attire, and they were sitting or lying about at will on the ground, giving heed to some one who though standing was addressing them in a low conversational tone. Templeton seated himself without formality in the outskirts of the group, and soon discovered that the individual speaking was a farmer whom he had met that day at the court-house. His manner was hesitating, showing he was not accustomed to facing an audience, and the attention given his utterances was not very flattering. He was several times interrupted, and the meeting bade fair to be-

come a little disorderly when a tall young man who had been sitting on a flat stone arose and in measured tones commanded the assemblage to be quiet and give heed to the speaker.

"That's Jim Blankenship," whispered McIntosh to Templeton, when the tall youth had taken his seat. "He's the best one in the deck. He takes everything in dead hard earnest, and you can see by his figger that he's cut out for a Grand Cyclops."

Templeton had no difficulty in recognizing the deep voice as that of the slender individual who had addressed him while he stood in the midst of the clan blindfolded. "He's a pretty tall chap still," he replied in an undertone to Teddy McIntosh, "but he's shrunk a good deal in stature in the last fifteen minutes."

"Oh, that was in the make-up, you know," rejoined Teddy. "It's with us as it is with the gals. A heap depends on the make-up."

While this whispered conversation was going on, the farmer, a level-headed fellow, stumbled along in his talk.

"I think it's too soon for us to interfere in this matter, though I know many of our members, and nearly all outsiders, favor immediate action. The man will certainly be convicted whenever his case does get to the jury, and we'd better wait as long as there is a chance to have him legally punished. It was hasty counsel that led to the hanging of Sandy Kinchen, and if we err at all now we ought to err on the side of prudence and caution."

The speaker held the floor, or rather the ground on which he stood, for ten or fifteen minutes. Random discussion followed his speech, and it was evident the clan had under consideration a proposition to take the case of the State versus Ankerstrom into their own hands. There seemed to be many minds on the subject, and it was hard to tell how the assemblage stood, when our friend, Teddy McIntosh, rose and favored those present with his views. His eloquence flowed in a torrent, and he spoke his mind with a directness that left no room for misunderstanding.

"Now here, gentlemen hobgoblins," he began, "I'd go as far as the next man on the road to caution and prudence and that sort of thing, but it does seem to me if we're going to take a hand in this game that now is the accepted time. Talk about the hanging of Sandy Kinchen being a rash proceeding. So it was, gentlemen hobgoblins, but who's responsible for it? Why this here same infernal devil that brained old Granny Bascombe with a chopping ax. Nobody but him, as I could prove before our

Dreadful Ulema right now, if it was in order for me to do so. Ain't he responsible for the hanging of Sandy Kinchen? Didn't I see him hit that old gray horse as hard as ever he could? And didn't I see the old horse jump when he hit him? Wasn't it that lick, and that jump, that sent the nigger out of the world before you could say Jack Robinson? If it wasn't that lick, and that jump, will somebody have the kindness to tell just what it was that sent the nigger out of the world? Now here, now here, fellow-citizens and hobgoblins, you fellows just listen to me a minute. Let's treat this cross-eyed Dutchman just like he treated Sandy Kinchen. He can't complain of that, because we'd be feeding him, so to speak, out of his own spoon. I, for one, am tired of waiting and of all this tomfoolery talk about the courts. I know the hobgoblin that spoke last is a gentleman, and I indorse all he says in a general way, but Cross-eyed Jack ought to have been at the devil long ago, and we'll be much to blame, in my opinion, if we don't send him there just as soon as we can lay hands on him. Talk about courts, haven't we got a court of our own, and what's it for if it can't settle the hash of a lowflung Dutchman without any more tomfoolery about it? I hope the Dreadful Ulema will get down to business right now and order this miserable Dutchman brought out of jail, where he's eating public vittles and getting fat. And I hope the Dreadful Ulema will make me one of the party that's to cut him off from his rations and fetch him here. If so I will obey this order of the Dreadful Ulema, as I will obey every other order of the Dreadful Ulema, and I'll bring a rope along to hang the scoundrel just as soon as sentence of death has been clapped upon him. So I will, fellow-citizens and hobgoblins, and all of you that know me at all know I mean just what I say."

With these vehement words did Teddy McIntosh free his mind of the burden that had been weighing it down, and many of his younger friends, when he was through, congratulated him upon his effort and indorsed his sentiments.

Randolph Pearson, however, had, more than any other one man, the confidence of the clan, and he disposed of the question at issue in few words. The time had not come, he said, for interfering with the due course of law in this matter. As yet the clan could not even afford to gravely consider such a proposition. There had been but a single continuance of the case, and they could never justify themselves if, exasperated by this slight delay,

they sought now by violent means to take the accused from the proper authorities and dispose of him themselves. He admitted that any delay in the punishment of so heinous an offender was discouraging. He hoped the time would come in Tennessee when in every county some judicial tribunal would exist that could openly try the perpetrator of a monstrous crime very soon after its commission. Then there would be no reason why any good citizen should join in a mob or countenance mob law. Reckless and lawless persons would still resort to such methods, but good citizens, having a better method for the redress of evils, would frown upon them, and mob law would no longer be tolerated. Good citizens now should strive to amend their statutes and as long as it was possible uphold the constituted authorities. Crime must be punished. Self-preservation was the first law of nature, and wherever in any very flagrant case there was an utter failure of justice through the courts, the citizens of that community had the right to protect themselves from future outrage by punishing the offender. It certainly could not be said now that there was an utter failure of justice in the Ankerstrom case. At the next term there would doubtless be an open trial, and the ends of justice would be reached without resort to illegal methods. The members of the clan should see to it that every witness was again in place when the case was called in January. Till then they must possess their souls in patience and do all in their power to calm the excitement and quiet the indignation that existed in the public mind.

When Pearson had finished there was a silence of some moments, and then Mr. Bob Lee Templeton arose and delivered a smooth talk. He said he had been very much put out indeed that day in court, and had expressed himself pretty plainly in town and on the road home. He wished to say now, however, that after listening to his friend Pearson, and turning the matter over in his own mind, he was convinced the clan would do well to heed the advice just given them. It was natural to get mad, and indulge in violent talk, but the wise thing to do now was to await the further action of the court. He had been of different mind a few hours before, but then his angry passions were aroused. Now he had cooled down and heartily indorsed the sentiments uttered by Mr. Pearson.

The Ankerstrom question was thus disposed of without the formality of a vote, and the discussion drifted to other matters.

Many horses and mules had been stolen in the vicinity of late, and it seemed impossible to get on the trail of the thieves. Suspicion at first rested on the negroes, but it soon became evident that a systematic plan was being operated by which the animals were transported entirely out of the country after they were stolen. This precluded the idea of the persistent scheme of depredations being entirely the work of negroes. If they were engaged in it there must be shrewder villains behind them, prompting them and reaping in the main the fruits of their dishonesty. The strange thing was that immediate pursuit, as a rule, did not enable the owners of the stolen animals to discover which way they went. They disappeared entirely, but no man could say how. It was also singular that no suspicious strangers had been seen lurking about in the neighborhood. The discussion brought out the fact that an old peddler had been lately on several farms selling cheap jewelry and such articles mainly to negroes, but there was no reason to suspect he had any ulterior design beyond the disposal of his shoddy wares. They resolved, however, to have an eye on him, and to keep a sharp lookout for all strangers and a close watch on several negroes in the locality of notoriously bad character. Then the clan adjourned without very much accomplished, but in better humor on the whole than when they assembled.

## CHAPTER XIV.

MR. BOB LEE TEMPLETON AND MATILDA, THE HOUSEMAID, HAVE A SINGULAR EXPERIENCE WITH A BIBLE AGENT.

MR. BOB LEE TEMPLETON having devoted a month or two to the faithful discharge of his duties at home concluded he had earned a vacation, and that a little trip to the Marrowbone Hills would be improving to his health, as well as consoling to his feelings. Mounting his faithful steed therefore he set out one fine morning in the late fall, or early winter, with the intention of drawing rein about dark at the residence of Major Habersham, which, he had concluded, would be a convenient stopping place for the night. As to the next stage of his journey, or whether indeed there would be any subsequent stage, was a matter which he had not fully decided in his own mind.

As he pursued his way the air was bracing and crisp, the fields were all of sober hue from the touch of the frost that had dyed them a uniform brown, the farm hands were singing at their work as they pulled the ears of corn from the tall stalks, and all things combined to put the young gentleman in an excellent humor with himself and the world at large. When the noon hour came he stopped and whiled away an hour or two with a farmer acquaintance, and resuming then his journey, proceeded briskly on toward his destination. His steed seemed to know there was good fodder ahead and quickened its pace so decidedly that as twilight approached many familiar objects along the road informed the rider that he was nearing the premises of Major Habersham. The days were short now, and night closed in early, so that welcome lights from the windows greeted him as he rode up to the gate. He was forcibly reminded of an evening in the preceding June, when nearing the same premises kindly lights from the same windows beamed on him invitingly. There was this important difference, however, that then it was summer, and the heat required that all the windows be raised, while now it was frosty

autumn, when the windows must be closed and the curtains drawn to make things snug and comfortable; and this other important difference, that then he was a stranger, and now he was an intimate acquaintance, on excellent terms with all the dwellers on the premises, from the house dog up.

So when Mr. Templeton rode up to the gate he dismounted without an invitation and hitched his horse at the rack near by. He then pursued his way briskly along the brick pavement that led to the house and knocked at the door. Not receiving any response he knocked again, not quite so softly. Not hearing this second summons he smote the door a third time even more vehemently, and now it was that answering footsteps were heard along the hall floor. He assumed without much difficulty a cheerful aspect of countenance, and made ready to greet a certain young lady whose custom it was to appear in person and welcome visitors to her father's mansion. When the bolt was drawn, however, and the door turned upon its hinges, there stood before him not the somewhat diminutive figure of Miss Polly Habersham, but a damsel exceeding her considerably in stature, whose face was about the color of a ripe Florida orange, and whose manners, though a trifle distant, were elegant.

When the damsel above mentioned had thrown wide the hall door and beheld Mr. Templeton standing without, she bowed gracefully and smiled condescendingly. Mr. Bob Lee Templeton, however, was a friendly fellow—perhaps a little too much inclined to be familiar on short acquaintance—and so he called heartily out when he saw the orange-colored maiden before him:

"Hello, Matilda, where's the folks?"

"They aren't here," answered Miss Matilda, accompanying her reply with a second obeisance.

"Nobody?"

"No one at all," replied the hand-maiden with a decided accent on the last syllable. "That is to say, sir, there isn't any person here that belongs here."

"That's the Dickens," said Mr. Bob Lee Templeton, as he pushed by her and entered the hall. Then he stood and looked about him as if uncertain himself what to do next.

"They've all gone to Nashville, I think, sir, to consult a physician about Mrs. Habersham, I think, sir."

"Is she worse?" inquired the visitor, when the polite hand-maiden had volunteered this information.

"We cannot say she's worse, sir, and yet we cannot say, upon the other hand, that she's any better, sir."

Mr. Templeton stroked his chin, which was beardless, and made no reply.

"We have fears of her, sir," continued Matilda, "and we have hopes of her."

"That's the Dickens," said Mr. Bob Lee Templeton.

"It is indeed," replied Matilda.

"Can you give me a drink of water?" inquired Mr. Bob Lee Templeton.

"Indeed I can, sir," replied Matilda.

Mr. Templeton drank the water and next inquired:

"Can you give me a strong cup of coffee, Matilda, and some bread and butter, and two or three slices of ham, and any little jimcracks that may come handy? I'm hungry as a wolf."

"Indeed I can, sir," replied Matilda.

"And say, Matilda, you haven't said when the folks are coming back."

"About the middle of next week, sir," replied Matilda.

"That's the devil," said Mr. Bob Lee Templeton.

"So it is, sir," replied Matilda.

Mr. Bob Lee Templeton went into the parlor, which was a very snug parlor as a usual thing, but looked quite dull and comfortless now. He made believe to read a book for a few minutes, and fingered the keys of the piano for a few minutes, though he couldn't strike a tune. Then he flung himself down on the sofa and was lying there outstretched when Matilda summoned him to sustenance.

Mr. Templeton did full duty to the repast, and when he had nourished himself sufficiently he again addressed the hand-maiden.

"I suppose I take the usual room upstairs, Matilda?"

"Yes, sir; yes, sir; that is to say, sir; oh, yes indeed, sir; of course, sir," replied Matilda in some confusion. "We will see to it, Mr. Templeton, that you have the very same room."

"If there's any trouble about it, Matilda——"

"There isn't any trouble about it at all, sir," replied Matilda.

"There isn't the least trouble in the world about it, sir, only, sir, there's another person in the room."

"Another person in the room?" said Mr. Templeton in some astonishment.

"Yes indeed, sir; so there is, sir. A very nice old gentleman in the room."



"Why I thought you said there was nobody at home?"

"There is no one at home, Mr. Templeton," replied Matilda, evidently laboring under some embarrassment. "That is, sir, no one that belongs here, sir; none of the family, sir. And you know the rules of the house, Mr. Templeton; and you know how very strictly I always adhere to the rules of the house when the establishment is left in my charge; but, sir, this is such a nice old gentleman, and such a pious old gentleman, and such a well-behaved old gentleman in every way, that I thought it right to let him stay all night, and I thought it right to put him in our nicest bedroom."

"What's his name?"

"That I cannot tell you, sir, because it's a foreign name, and it will take a foreigner to pronounce it. But he was a good Christian man over among the Turks, I think he called the people, and they used him very badly, and killed about half his family, and he's now selling Bibles to get money to bring the other half over here, sir. He's a very nice old gentleman, sir, and a very pious old gentleman, and has very agreeable manners."

"Has he gone to bed?"

"No, sir, he's just gone out to walk a little and muse," said Matilda tenderly, "upon his melancholy situation. He'll be back presently."

"Well, Matilda," replied Mr. Bob Lee Templeton, being a whole souled sort of a fellow, "you did quite right to take this unfortunate stranger in and to give him the best room in the house. As for me you can stick me anywheres. I shall sit up until the old gentleman comes back, and have a talk with him. I've no doubt I shall be highly entertained; for I have long wished to know something of the condition of the Christians in Turkey."

After so long a time the old gentleman came in, having consumed an hour or so in strolling about over the premises, musing upon his melancholy situation and smoking his pipe. He soon proved himself to be quite an entertaining old gentleman, and succeeded in making himself understood more readily than Mr. Templeton expected, seeing he was but recently over from a foreign country. His gestures were as eloquent and significant as those of a deaf and dumb man, and he had picked up a few words of English with which to supplement these when it was necessary to make out the sense. Altogether the little old man managed to convey his meaning clearly enough, and what with motions of the

hands, scraps of language, and expressive changes of countenance, he told a tale that aroused the compassion of the sympathetic Mr. Templeton, as it had previously done that of Matilda, the housemaid. Such atrocities as the cruel Turks perpetrated upon good Christians in the lands beyond the seas Mr. Templeton would hardly have conceived possible, and indeed would not have credited if the story had been told by other than an eyewitness, and a very earnest and truthful eyewitness at that, such as the old gentleman undoubtedly was. When the old man, somewhat wearied—for he had come afoot—retired to his room, Mr. Templeton meditated a while by the fire, and then addressed the housemaid as she was passing.

"That's a nice old man, Matilda."

"It is indeed, sir," replied Matilda.

"He has seen sights in his time."

"He has indeed, sir," replied Matilda.

"How many Bibles did you subscribe for, Matilda?"

"Only one, sir," replied Matilda.

"Put me down for five," said Mr. Templeton.

"Indeed I will, sir," replied Matilda effusively. "For if ever there was a nice old gentleman, as you say, sir, I think, sir, it's this old gentleman. And if ever there was an old gentleman, sir, which has had calamities befall him, I'm quite sure, sir, it's this old gentleman. I'll go upstairs right now and tap at his door and tell him to put you down for five. The money is not to be paid until he comes back with the Bibles, which shows to my mind that he is a very honest, straightforward sort of a person."

"It does indeed," cried Mr. Templeton. "It speaks well for him."

"Such misfortunes, sir, as have come upon the old gentleman," continued Matilda. "Why, sir, it's enough to make a person's blood boil to hear him tell of the troubles he has seen through those heathen Turks."

"Sho-nuff, Matilda?" ejaculated Mr. Templeton.

"Yes indeed, Mr. Templeton, su-r-r-e enough," replied Matilda, rolling the "r" over her tongue as genteel folks invariably do. "And to think, sir, of the great sorrow that's weighing him down on account of having members of his own family still over there at the mercy, as one might say, of those heathen Turks. Did you say five, sir?"

"Six," responded Mr. Templeton promptly. "And say to the

old gentleman, Matilda, that the binding may be of his own choice."

"Oh, sir, that is kind."

"And say, Matilda."

"Yes, sir."

"The old gentleman, you tell me, came afoot, and is no doubt a little short of funds. Hand him this ten-dollar bill, Matilda, with my compliments, and request him to place the amount as a credit upon my subscription."

"Oh, thank you, indeed," replied Matilda, bowing. "Oh, that is very nice of you, I'm su-r-re. The good Lord will be certain to reward you for your noble behavior, and I'll not forget, sir, to mention the matter to Miss Marie."

With these comforting words Matilda hastened upstairs to inform the old gentleman of Mr. Templeton's generous subscription, and of his thoughtful cash instalment thereon.

I defy any one to do a meritorious act upon this earth without being immediately repaid for it in the solace such righteous conduct will bring to his soul. Mr. Bob Lee Templeton had been fretting, as we know, during most of the evening over his hard luck in not seeing any of the Habersham family after his long day's ride with that special object in view. Now, however, a feeling of content stole over him as his fancy conjured up the vision of a grateful old man setting down his subscription for six Bibles and pocketing the advance payment of ten dollars on same. When he retired to rest his mind pursued the grateful train of reflection thus aroused, and his sympathies went out toward all the unfortunates upon the earth wheresoever they might be. He bethought him—Mr. Bob Lee Templeton did—of the great difference between his own worldly condition and that of the poor old Bible vender roaming a fugitive from his far-off home. How strange it was, he said to himself, that divine providence should turn the cold shoulder, so to speak, on many deserving people in this life and bestow comfort and happiness on others far less worthy. And how ungrateful and unbecoming—said Mr. Bob Lee Templeton to himself—was the behavior of that man who having this world's goods, and seeing his brother in need, shut up his compassion from him. Then naturally Mr. Templeton indulged in the comfortable reflection that his own case was not by any means the one just depicted, but quite the reverse. Then he fancied the surprise and gratification of Miss

Polly when his meritorious conduct came to be reported to her. Then his pleasing fancies and his consciousness faded away together and he fell asleep.

Mr. Bob Lee Templeton was a young man who usually resigned himself to the arms of Morpheus as soon as he sought his couch and remained there contentedly until somebody shook him or the breakfast bell rang. On this occasion he slumbered even more deeply than was his wont, for he was tired from his long day's ride. After a while he was startled by such a rapping at his door as would have roused one who had gone to bed dead drunk and was snoring off his intoxication.

Opening his eyes wide Mr. Templeton saw it was broad daylight, and springing out of his bed he recognized the voice of Matilda, keeping excited accompaniment to the constant rapping she maintained at the door.

"Oh, Mr. Templeton, sir; wake up, if you please, sir. Something has happened, sir, that I was not in the least expecting. Indeed, sir, there has, and the nee-groes on the place are all in a state of dreadful excitement over the matter. It is a very strange thing that has happened, one that I was not in the least expecting, sir; not in the least, sir."

"What's up with the niggers?" inquired Mr. Templeton, throwing the door open as he spoke; for having leaped into his trousers, he considered himself now in fit condition to receive company.

"Oh, sir, it isn't the nee-groes at all. It's a great deal worse than that, sir. They have stolen your horse, Mr. Templeton."

"My horse?"

"Yes indeed, sir. And more than that; they have stolen Miss Marie's horse too—the one with the blaze face they call Light-foot."

"Well, damn the luck," exclaimed Mr. Bob Lee Templeton, for he wist not what to say.

"Yes indeed," cried Matilda. "I say so too, Mr. Templeton. And that isn't all, sir. You know the nice old gentleman you ordered the five Bibles from? Well, sir, he's up and gone as sure as the world; and not a soul has the slightest idea when he left the house or which way he went."

"What, left in the middle of the night, without saying a word to anybody?" cried Mr. Templeton.

"That's just exactly what he did, sir. And I can't help thinking, sir, and saying, sir, that his conduct was a little strange."

"He's an infernal old humbug," asserted Mr. Templeton, tying his shoes hurriedly as he spoke.

"Yes, sir, and to think, sir, that I put him in the very best bed; and put you, sir, in the room that we keep, so to speak, for every-day people."

"No odds about that," replied Mr. Templeton, and he flung on his waistcoat and top coat and began searching about the room for his hat.

"It's very kind of you to say so, sir. There it is, sir, hanging on the chair round over in the corner. And I hope, sir, Miss Marie and the Major will take the same view of the matter as you do, sir. And I hope, sir, that Mrs. Habersham, being quite nervous in her disposition, won't find it out at all."

"That's all right," responded Mr. Bob Lee Templeton. "The blaze-face horse, and my horse too, did you say?"

"Both of them, sir, as sure as the world," said Matilda.

"Well, damn the luck," cried Mr. Bob Lee Templeton again, as he hastened down the steps.

"Yes indeed, sir," replied Matilda, following, "that's what I say."

When the young gentleman reached the stable lot he found nearly all the negroes on the place gathered there. The padlock that secured the door had been picked with a rusty nail, which was found close beside it on the ground. The two horses mentioned had been selected from several other animals that stood within, and two saddles for male riders had been taken to go with the steeds. The inquiry that Templeton at once set on foot did not elicit much information that was of service to him. The stable door had been locked as usual the night before, and the next morning it was found open and the two horses missing. That the old book peddler was connected with the transaction there could be no doubt; but he must have had a confederate, for surely no thief would be bold enough to endeavor to escape from a community riding one stolen horse and leading another. A strange negro had been seen loafing about the neighborhood for the past day or two, and many were ready to jump to the conclusion that he and the old book man were partners in the nefarious business of horse stealing though there was no direct evidence upon which to base such a theory. The notion, however, once hatched throve apace, and soon there was positive conviction in the minds of those present that the suspicious African had a hand in the

robbery that had just been perpetrated. At the gate that led from the stable lot a large human track was found, which it was confidently asserted could not have been made by any one residing on the premises.

"Dis here's a nigger track!" exclaimed one self-constituted detective, scrutinizing closely the fresh impression in the earth. "Dey ain't no white man gwy tote such a foot as dis."

"Lem-me tell you, lem-me tell you," cried the old man Uncle Davy, who had favored the sheriff with his views on the occasion of that officer's last visit to the place, "all dis comes of givin' a furriner de company room of de house, and makin' Marse Bob Lee Templeton here put up wid what he could git. And all dat comes of fotchin' a mularter gal out'n town to run things on dis place her own fashion when de white folks is away."

Matilda up to this moment had been a conspicuous member of the assembly, but finding herself thus pointedly alluded to she turned indignantly and made her way trippingly toward the house. The old man did not fail to observe her retreat and was encouraged thereby to continue his strictures.

"Never mind, nev-er mind. Lightfoot was de horse dat sot Miss Polly off so, and now he done gone wid dat low down furriner and you'll have to take de road wid um. You been cuttin' some mighty tall shines 'bout here, gal, but dis here job will do you up."

"She's all right, Uncle Davy," said Templeton kindly. "That old thief would have fooled anybody. He fooled me, and he would have fooled you if he had got a chance at you."

"Dat he wouldn't, Marse Bob," replied the old man, somewhat disconcerted at finding Matilda's cause espoused by the young gentleman. "He mout a fooled you, and he mout a fooled dat yander mularter gal, but de man dat's to fool Uncle Davy ain't been born yit."

"Maybe so, Uncle Davy, but tell 'em to bring out the best horse that's left on the place and I'll see if I can't get on the track of the scoundrels." Saying which the young gentleman returned to the house to swallow a hasty breakfast and make ready for the ride he proposed to take.

Templeton had not attended a single meeting of the K. K. K. since the night of his initiation, but he was resolved now to hunt up his friend, Teddy McIntosh, and through him to arouse at once certain other active members of the order. By prompt pursuit he hoped to overtake the thieves before they were entirely

out of the country. The horses they had stolen were easily described, and by diligent inquiry the direction they had taken could soon be learned. Once on their trail with two or three zealous comrades he did not propose to give over the chase until the scoundrels were apprehended and the stolen animals recovered. As he was about to set out old Uncle Davy, who was a privileged character on the place, gave him some useful advice.

"Don't you ride round dese parts atter dark, Marse Bob; ef you do de Ku Klux will sholy git you. Don't you set your head to'ds no place dat you can't reach afo' candlelight. Dar's all kinds of devils and ghosteses in dem Marrowbone Hills, and dey walks mostly in de night time. Soon as de sun go down ef you ain't in some house or 'nother, you watch out for de Ku Klux, and ef you meets one un 'em you put de lash to your hoss and make tracks from dar as fass as you kin."

"How will I know one of them if I see him, Uncle Davy?" inquired Templeton.

"You'll know 'um wharever you see 'um. Dey ain't no common lot, I tells you. Some un 'um is dressed in black and some in white. Some is on foot, bust mostly dey rides hosses dat look zackly like sho-nuff hosses, but dey ain't. Some is all scrooched up, and t'others is long and slim as a fence rail. Dey was in dis country 'bout de time freedom come, and one night dey run me twell my tongue drap out'n my mouth. Ef I hadn't broke for de creek, and crossed dat, dey'd a got me sho."

"How did that save you?"

"Why hi, mun; don't you know a witch can't cross runnin' water? When dey got to de creek dey stopped and jabbered dar a while, and den all turn back. Dat what make me know for sartain dey wa'n't no humans."

"Did you ever meet any of them again?"

"Did I? You takes me for a fool, does you, Marse Bob? Dat one time done me, lem-me tell you. Atter dat I done my travel-in' by daylight, bekase one foot race wid de Ku Klux crowd behind me was sufficient."

"What went with the Ku Klux that were in the country then?"

"Dat's a question, Marse Bob, dat de smartest man in de world can't answer. Dey all speerited deyselves away, and folks was in hopes dey was gone for good; but now here dey done come ag'in."

"I'll look out for 'em, Uncle Davy," replied Templeton as he rode away.

"You git in de house by candlelight, you do dat," said the old man. "Dat's de onliest way to keep de Ku Klux from ketchin' you. As for dat nigger what helped de ole white man to take dem hosses, if ever you gits him, Marse Bob, you fetch him back here for me to look at. Niggers has been stealin' chickens a long time, but when dey git to stealin' hosses dey've riz."

Templeton rode off at a gallop, and before the day was through had gathered at least a dozen members of his secret order to aid him in pursuit of the horse thieves. They went out in different directions, made diligent inquiry, and patrolled the principal roads at night, but received little information that could profit them in their search. Telegrams of course were sent off and rewards offered, and they hoped after a while to get some return from these efforts to arrest the outlaws, but the strange thing was that they could not be traced out of the neighborhood in which the crime had been committed. Horses cannot be easily hidden so as to escape observation, and if they travel the highway by day or night they will be seen or heard. Only one clue did Templeton and his friends get as to the direction the thieves had taken, and that clue was lost almost as soon as found. A country doctor riding in a narrow lane on the night of the robbery met two men on horseback. One of these was a negro and the other a white man. It was after midnight, and neither accosted him as they brushed close beside him in the road. He regarded them as suspicious characters, but being alone did not deem it prudent to interrupt them. This seemed to make it reasonably certain that the thieves, as suspected, were a negro and a white man, but where they went after the robbery, and how they managed to get out of the country with the stolen property, was for a long time a mystery.

Miss Marie—alias Polly—Habersham did not recover her blaze-faced horse called Lightfoot, and Mr. Robert Lee Templeton for some time bemoaned the loss of his roadster that traveled so smoothly under the saddle. Miss Polly, they said, rode to church several times that fall on a pacing mule, though it is an undeniable fact that she might have gone to the place of worship in a buggy if she had been so minded. Major Habersham for some weeks withdrew his mind from the state of the country at large, and began forming plans in his head for the right ordering of



things in his own immediate locality. There was some wonderment and much grumbling in the community, and folks generally agreed that matters had come to a Dickens of a pass in the Marrowbone Hills and the regions thereabout. Horses were stolen, houses burned, women murdered, and the community seemed powerless to protect itself from such depredations. Most of the outlaws got away unmolested, and if they caught one now and then he was turned over to the law, which most people regarded as a sort of house of refuge for scoundrels.

Teddy McIntosh more than once moved in the secret councils of his order that when the clan caught a scoundrel the clan should deal with that scoundrel, and not permit the dilatory courts to screen him from punishment. This resolution was, however, always voted down, and the prudent members of the clan still persevered in the determination to aid the law in the apprehension of criminals, and to labor thereafter for the punishment of such offenders through the courts. Which conclusion on their part was undoubtedly wise and commendable.

## CHAPTER XV.

SOME JOLLY GOOD FELLOWS MEET AT THE TAVERN ; AND THE CASE OF THE STATE VERSUS ANKERSTROM IS AGAIN CALLED IN COURT.

It was several weeks later, that is in the month of January of the following year, that Attorney Palaver mounted a good nag, hired from a livery stable, and set his face toward the hill country lying along the upper Cumberland. As a general thing it was he who looked after such business as fell to the lot of the firm in the outside counties of the judicial circuit, while the more sedate Slowboy remained at home to mind the office. Palaver himself did not—as some starvelings in his profession were compelled to do—make the round regularly with the judge and attorney-general to pick up stray crumbs, but when a fat fee was offered in another county he went thither to earn it, and such occasional outings were in every way agreeable to him. He enjoyed the ride if the weather was good and the country roads in tolerable condition. He enjoyed the scenery and the various objects of interest along the route, for he was a close observer, and there was a good deal of sentiment in his composition. He enjoyed the quips and jokes of his brother lawyers, if, as was usually the case, there were others in the company. And lastly he enjoyed the good whisky that was invariably taken along by some prudent member of the party to have in readiness in case of snake bites.

The fact is, Lawyer Palaver enjoyed life, and, like a true philosopher, made the most of it day by day. In the practice of his profession he relished all the little exciting incidents that arose from time to time to put him on his mettle and bring out his talent before the world. So much did he delight in everything connected with his chosen profession that it was a settled rule of his never to turn a lawsuit loose as long as he could hold on to it. In criminal cases, where he nearly always appeared on the side of the defense, he pursued the well-known Fabian policy, and usually ex-

hausted not only opposing counsel, but judge, jury, witnesses, and a long-suffering public, before ever he would permit himself to be drawn into a decisive engagement. It required, of course, great adroitness and skill to be able to conduct his campaigns on this plan, but these were precisely the qualities which Palaver abundantly possessed, and which it was his chief pleasure to display. He was intimately acquainted with all the maneuvers whereby the progress of justice may be hindered in the courts, and was especially skilled in the use of that formidable legal weapon known as the affidavit. Sancho Panza, the knight of La Mancha thought, was born with a bellyful of proverbs, and there were not wanting those among Palaver's legal acquaintances who insisted that he had been born with a bellyful of affidavits. However this might be, he certainly had one ready for all occasions, and it was a cold day indeed when—however hopeless might seem to be his chance to effect a further postponement of the issue—he did not turn up with an affidavit to fit the case.

On this particular winter morning then behold our friend Palaver astraddle of a well-gaited nag pursuing his way toward the village of Ashton, where the case of the State versus Ankerstrom had been set for trial next day. He was in fine feather, and everything indicated that he was cocked and primed for the important trial that was ahead of him. Two or three brother lawyers were along, and the prisoner, Cross-eyed Jack, was along, and altogether they made a goodly company of gentlemen traveling to court. With friendly discourse they put the miles speedily enough behind them, and about nightfall reached in good trim the place for which they were bound. Here Sanderson and Johan Ankerstrom put up at the county jail, while the others, making their way to the tavern, sought more agreeable quarters for the night.

Mr. Bob Lee Templeton, traveling from a different direction, had reached the town some hours ahead of this party, and, being young and upheaded, had engaged for himself the very best room in the hostelry. During the evening meal, of which they all partook as became hungry travelers, Mr. Templeton conversed freely with the attorneys at table, and found them quite companionable and gracious in their manners. The younger members of the profession were somewhat disposed to air their learning and too much inclined to be disputatious, but all were good-natured and courteous, as became those whose daily task it was to take and give hard knocks. Templeton, who was a gentleman, was pleased

with this characteristic, and it elevated the legal fraternity in his opinion.

After supper, as his apartment was roomy, and he had a good log fire blazing on the hearth, first one and then another of the lawyers dropped into Templeton's room, and soon without previous agreement the entire number was assembled there. In all there were about a dozen come from different quarters to attend court, and, chairs having been brought, a free and easy offhand conversation began that was exciting to the actual participants and highly entertaining to all others. Somebody reported that it was drizzling rain on the outside, and somebody else remarked that if such was the case there was nothing left for those under shelter to do but take a drink. From that moment the bottle was pushed briskly about, and the little gathering before many more golden moments had sped was in high spirits. Mr. Templeton was a believer in the old maxim that when in Rome you should do as the Romans do, and so he imbibed rather freely with those about him, and presently was the loudest laughter in the crowd. A man may drink, however, and not be drunk, and Mr. Templeton on this occasion, while a little thick-tongued toward the close of the evening, and somewhat glassy about the eyes, never, I am proud to relate, lost for a moment the use of his legs.

Palaver, while the ranking member in point of age, was the choicest spirit of the festive throng, and shortly before midnight took the floor with the manifest purpose of retaining it till the break-up of the entertainment. He spraddled his legs rather widely apart, lifted his right hand in argumentative fashion, and began a running discourse on matters and things in general. Interruptions were frequent, and many remarks hurled at him were of a personal nature, but nothing could disconcert him. He not only gave in every instance a Roland for an Oliver, but usually retorted so successfully upon his unmannerly questioners that he presently put all his adversaries to silence. Then he rambled on, with none to molest him or make him afraid, till half his auditors feigned to be asleep, and the other half were really so. The night being now far spent the gathering dispersed to snatch as much sleep as could be obtained before the court-house bell rang next morning.

The following day to a late breakfast came Mr. Bob Lee Templeton and two or three of the younger lawyers, the rest being tardy. When the meal had been finished one of the attorneys took

Mr. Templeton aside, saying he wished to have words with him. When they had retired a sufficient distance to avoid being overheard he advised the young man to employ counsel to assist the attorney-general in the Ankerstrom case.

"It is nothing to me, you understand," said the attorney, "but I just thought I'd mention the matter to you and let you consider it. It seems to me the public interest demands that Whackemall have help in this Ankerstrom case. Palaver, I notice, represents the defendant, and you may not know it, but he's the most dangerous man in our profession. Didn't you observe how he downed every fellow that tackled him last night?"

Mr. Templeton's memory was not very clear as to the transactions of the preceding evening, but he retained a vague impression that Palaver was the hero of the hour, and that he himself had given him unstinted applause.

"I thought I'd mention the matter to you," said the attorney. "No harm in that?"

"None in the world," replied Mr. Bob Lee Templeton, cheerfully. "Whackemall, as you say, seems to be an uncertain sort of a man. I understood from him that there would be no trouble about getting the case up at the last term, and there must be no slip this time."

"He did his best," replied the attorney, who was a very gentlemanly sort of fellow. "Whackemall is a good man. A little crusty now and then, but honest and forcible. Palaver, though, can walk all over him in a criminal case. From all I can learn this man Ankerstrom deserves hanging as richly as ever a scoundrel did on this earth. As to whether he'll get his dues or not depends though, you understand, altogether on the way his case is handled."

The result of the confab was that Mr. Templeton concluded to employ assistant counsel for the prosecution in the Ankerstrom case, and to pay the fee himself. He was a whole-souled young gentleman, and his energies now were thoroughly enlisted on the side of what he deemed to be law and justice in the case. He struck a bargain, and a fair one, with the young attorney who had given him the disinterested advice, and found him afterwards to be a valuable ally, as well as a congenial companion.

The day was foggy, cold and disagreeable. It had rained hard during the night, the roads were muddy and slippery, and the watercourses swollen and difficult to ford. Still all the witnesses

in the Ankerstrom case were on hand before nine o'clock, the hour at which court would open. Templeton and Youngblood, the new attorney, got them all together in the lower story of the court-house, and a roll-call developed the fact that not one was missing. Mrs. Hopson, the poor lady whose pantry had been robbed, was present, and had brought her little daughter along for the reason, as she said, that the little girl had kept one eye on the marauder during the whole time he was in the house, while each of the boys had his head under the cover. Templeton could not see how her evidence would be material, but Youngblood explained that flight was indicative of guilt, and this woman and child would prove that the defendant came half-famished to their house in the night time, with his head matted with leaves, showing he was in hiding somewhere near. For the same reason the testimony of Pete, who also answered to his name, would be relevant, as he saw the defendant creep from his lair in the briar patch. Jineral Beauregard would perhaps be excluded from the witness stand, upon the double ground that he would find difficulty in making himself understood and that there was nothing to show he entertained a belief in a Supreme Being. The good lady who informed Mrs. Bascombe of the hanging of Sandy was among the witnesses, dripping, but cheerful, and longing for the opportunity to go over the whole narration again for the edification of the court and bystanders. Many others were present, white, black, male, female, young, old, and Mr. Youngblood checked off the names of all on his paper as they answered to his call.

Miss Sue Bascombe rode up while the roll-call was proceeding, mounted on a strong horse, the tail of which had been compactly clubbed to keep that ornament from being bespattered with mud. Templeton went out and helped her down. Then he escorted her into the court-house and introduced her to Youngblood, who seemed to be much pleased to meet her.

Mr. Randolph Pearson arrived early, and he and Templeton rented a vacant store for the accommodation of the numerous witnesses during the three or four days for which the trial was expected to last. They also rented a barn close at hand, in which all the horses of the company could be stabled. Provender in abundance was bought and placed here, and Uncle Davy, from the Habersham place, was, upon recommendation of Templeton, put in charge of the improvised livery stable. These arrangements complete, the two gentlemen felt themselves ready to enter into a

protracted engagement when the court-house bell rung at nine o'clock.

Sheriff Sanderson had summoned a great array of jurors for the occasion. The accused at the trial would be entitled to twenty-four challenges without assigning any cause therefor, and the State to ten upon the same excellent grounds: there must be twelve jurors in the box, and so it required forty-six good and lawful men to constitute a panel. This was the least number that would suffice in any case where the indictment was for murder, but here the whole community was familiar with the shocking tragedy at the Bascombe place, and the exciting incidents attending the pursuit and capture of the prisoner, Ankerstrom, and many of those summoned would be disqualified, as it was difficult to find a citizen who had not formed an opinion as to the guilt of the accused. In Tennessee to be a competent juror one's mind at the outset of the investigation must be like a sheet of blank paper, upon which lawyers, witnesses and the court will inscribe matter for subsequent consideration. The best juror in the world, one would think, would be an intelligent, fair-minded man who had formed perhaps an offhand opinion from newspaper reading and promiscuous talk, but who stood ready to discard such opinion and give the accused a fair hearing on the law and the evidence. Such a one with us, however, would be challenged for cause, as he would not be able to approach the investigation with an unbiased mind, while an ignoramus, incapable of reaching a sound conclusion on any subject, would be accepted as a competent juror. This rule not only operates to make the execution of the criminal law weakest in those cases where it should be strongest, but it not infrequently balks entirely the administration of justice. News nowadays travels fast and far, and when a shocking crime is committed rumor and the daily papers carry the details into the most remote neighborhoods. Prudent and thoughtful people form opinions that might be changed upon the hearing of more trustworthy evidence, and the weak and excitable jump to conclusions and form prejudices from rumor that cannot be afterwards shaken at all. The consequence is that the entire community is thus sometimes disbarred from sitting as triers of the cause, and in a whole county not twelve men can be found who are competent jurors. This was practically the situation Sheriff Sanderson had to face when he went forth to obtain a panel in the Ankerstrom case. Instead of forty-six men he summoned a hundred, many of whom

were so ignorant that, to use his own expression, they hardly knew General Jackson was dead. These men were put down on the list in the hope that they might not have heard at all of the Bascombe murder. Yet as soon as they had gathered at the court-house Sanderson found they nearly all knew something of the case, and were ready to return a verdict of guilty against the prisoner before a single witness was called to testify.

Court opened at the usual hour, and the apartment in which the trial was to proceed was so packed with human beings that there was hardly standing room behind the bar. Within the railing the contracted space was nearly filled with lawyers, favored guests, and female witnesses, who were given seats here till the time came for them to be sworn and sent beyond the hearing of the evidence. After some delay the prisoner was brought in handcuffed and under charge of six or eight officers. This was not from apprehension that he might escape, but for fear the excited and angry crowd would seize him as soon as they laid eyes on him and do him to death in the very hall of justice. Nothing but the well-known firmness of Sanderson prevented an outbreak as the officers edged their way through the throng; and as it was the expression of animosity that rested on every countenance boded ill for the prisoner, for from this hostile assemblage were to be selected the twelve jurors who would decide his fate.

"Is the State ready?" inquired the judge when the clerk had called the Ankerstrom case.

The attorney-general sat by a table, and at his side was the young gentleman who had been employed as assistant counsel. This latter had a note-book and a well-sharpened pencil to take down the testimony of the various witnesses, there being no regular stenographer at hand.

"The State is ready," answered the attorney-general promptly, in response to the inquiry of the court.

"Is the defendant ready?" inquired the judge, looking now in the direction of the prisoner.

Palaver up to this moment had been engaged in friendly conversation with a brother attorney upon a subject wholly foreign to the matter in hand. When in the midst of this he found himself accosted by the judge, he rose and asked for a little time in which to confer with his client. Having retired to a back room he remained for some while, and then returned into court with the statement that he found it would be necessary to prepare an affidavit, and



he hoped the honorable court would indulge him for a reasonable length of time while he devoted himself to this task. He was absent now for full three-quarters of an hour ; indeed, remained away so long that first the bystanders, and then the judge, grew impatient.

The sheriff was sent into the back room to notify the attorney that the court was waiting on him. He found Palaver leaning back in a chair, with his heels cocked up on the window sill, puffing away comfortably at a cigar. The sheriff imparted to him the information that business in the front room was being delayed in consequence of his absence.

"You don't say so?" exclaimed Palaver, as if astonished at the intelligence. "Why, Sanderson, you should have notified me sooner. I supposed, of course, that some other matter was engaging the attention of the court."

The fact is it was a favorite trick of the attorney's, and one by which he often won, to occupy so much time with preliminaries that the impatient judge would call another case, the consideration of which might consume the entire day. The next morning fresh causes would have precedence over those which had been set for the day before, and thus his case would go over to the succeeding term without his ever having applied for a continuance.

Now he came hustling into the court-room immediately in the rear of the sheriff, and apologized for the length of time he had consumed in preparing his paper, assuring the court that he had no wish whatever to delay proceedings. He then read aloud a document, which had been previously sworn to by his client, stating that owing to the unreasonable excitement and prejudice which had been formed in the public mind, and still existed against the accused, he could not safely go to trial at that term and place ; and—the affidavit went on to say—as it was impossible to obtain an impartial jury in the county where the homicide had been committed, and as there was no likelihood that the unreasonable prejudice against the defendant would soon abate, he prayed the honorable court to grant him a change of venue to an adjoining county, where the citizens were free from bias against him.

This application evidently was not unexpected to the attorney-general and the young lawyer associated with him in the case, but it came as a complete surprise to Templeton and Pearson and the large number of witnesses whose attendance they had labored faithfully to secure. Palaver opened the argument with a

persuasive talk in support of his application, and the attorney-general, when it came his turn to speak, combated the motion vigorously. A large number of jurors, he said, had been summoned and brought to court, and it was a reflection on them to say that the prisoner could not get a fair trial among so many. Numerous witnesses, too, were present; all of whom had come over bad roads in midwinter at great inconvenience to themselves. Many of these witnesses were women, and it would be a hardship to require them to return to their several homes and travel at another time, three or four months hence, to a different county for the purpose of giving in their evidence. It was the third time most of these witnesses had been compelled to come to court. They had appeared and testified before the grand jury; they had attended a second time when the case was continued on affidavit of defendant's attorney at the last term, and now they were here again under summons from the State to give in their evidence against the prisoner. The case was one which had aroused widespread interest, and should be pushed to a conclusion, if for no other reason, because certain good and peaceable citizens in the locality of the crime had upheld the dignity of the law and had insisted that in the case of the prisoner justice should be administered by the proper authorities and not by mob violence. These good citizens had set a praiseworthy example, and it would be a bitter disappointment to them now if it was demonstrated that the law of the State was practically incapable of dealing with grave crimes like the one under consideration.

More matter of a weighty nature did the attorney-general deliver himself of in his address to the court. Palaver listened gravely to the whole, and upon its conclusion he complimented the State's officer privately upon his able argument, declaring it was the best he had heard in many years. When he came to reply publicly, however, he said he was surprised a man should want to take up the valuable time of the court with such idle talk as that to which he had just listened. The humblest human being charged with crime had the right to a fair trial before an impartial jury, and it was the duty of the courts of the country to protect him in this right. If the accused here had committed the monstrous crime laid at his door his life must and should pay the penalty; if he was not guilty all must agree he should go free. He was poor and a stranger within our gates, but life was sweet to him, as it was to us all. He stood here asking nothing more than that the issue upon

which his existence hung should be decided by twelve impartial jurors, chosen from a community not inflamed by passion or prejudice against him. No one would insist, no one could pretend, that the threatening crowd now gathered in the court-house was not bitterly hostile to the prisoner. A jury impanelled from this assemblage, or from the citizens of their county, would be a jury impanelled to convict. The accused knew this to be a fact; the sheriff knew it, the court knew it, and the attorneys on both sides knew it. "Why, sir," cried Palaver, warming up to his work, "the strongest objection urged by the attorney-general to my application for change of venue is that to grant it would be discouraging to certain peaceable and law-abiding citizens, who, he says, have placed my client in custody of the law, and now look to the courts to have speedy justice done. As I understand the matter, sir, these peaceable and law-abiding citizens, whom he is so very desirous not to discourage, ran my client down with dogs, chased him round and round, sir, like a rabbit, through a briar patch and a broom sedge field; popped away at him with their pistols as if it had been fine sport, and finally were about to murder him in cold blood, when the sheriff of the county luckily came along and rescued the poor fellow from their clutches. Yes, sir; yes, sir; yes, sir; and this is not the whole story by any means. That night, sir, that night, if the honorable court please, these same peaceable and law-abiding citizens followed my unfortunate client to the jail of their county, and sought there to wrest him from the custody of the law, and end his life by their own violent hands. Not satisfied with their first heroic exploit they came, if the honorable court please, with a mob at midnight, three hundred men against one, with the laudable intention of breaking down the doors of their own county prison and murdering a helpless human being whom they supposed to be confined therein. A second time they were foiled, for the sheriff of the county, anticipating their design, had removed the prisoner to another jail for safe keeping. Were they through, sir? Were they through, if the honorable court please? No, indeed, sir. No, indeed, if the honorable court please. The hour for wreaking their vengeance was but postponed, for to-day, sir—to-day, if the honorable court please—this same murderous mob invades the sacred precincts of this temple of justice, regards my poor client with hungry eyes from behind the bar, and modestly asks that your honor shall now force upon him the mockery of a hearing with themselves as the triers of the cause. And who is it,

sir, that heads this murderous mob and champions their cause here at the bar of justice? Who is it, sir, they have chosen for their spokesman, and who now stands urging that this helpless captive shall be delivered as a victim to their fury? Strange to relate, it is the attorney-general for the State——”

At this point Whackemall, whose temper was liable at any time to get the better of him, rose, and with a voice trembling from anger, informed the court that he did not propose to sit quiet and listen to such language as had just been uttered in his presence. “If the prisoner’s counsel desires to become personal,” said he to the judge, “it would be more becoming in him to reserve his scurrilous flings till such time as they can be properly resented, and not to indulge in them here where he knows he has the sheriff to protect him.”

Palaver bowed low and smiled. “I’ll have the gentleman understand,” he retorted, “that I am here in the discharge of my duty, and that I do not propose to shrink from the discharge of that duty for fear my remarks may prove unpleasant even to so terrible an adversary as the attorney-general for the State.”

“And I’ll have you understand——” cried Whackemall, rising, and making fiercely toward him.

“Order, gentlemen, order,” demanded the court, rapping vigorously on the judicial desk.

“Order, gentlemen, order,” demanded the sheriff, advancing, and standing between the two angry disputants.

For a minute or two there was silence, and the crowd held its breath, expecting to witness a very exciting performance within the bar. Then Palaver spread his hands to indicate that his intentions were peaceful, and in unruffled tones resumed his remarks. There really was no occasion, he said, for this disturbance. He had not said a word calculated to wound the feelings of his friend, the attorney-general. At least he had not uttered a sentence which was intended to reflect upon him in the slightest particular. In making use of the language objected to he was not thinking at all of the State’s attorney, but designed his remarks to apply to a gang of unprincipled ruffians,—some of whom he now saw behind the bar,—whose conduct in hounding down the prisoner had been cowardly, and barbarous, and far more worthy of the savages that once trod the wilds of this country than of the civilized people who were supposed to inhabit it now.

As Palaver uttered these scathing remarks he turned and bent

his gaze fixedly on the crowd in the rear of the court-room. After a few moments he raised his hand slowly and pointed his forefinger toward a certain corner, thus indicating that there were individuals in that particular quarter to whom he had alluded in his previous remarks, and whom he now wished to hold up to public scorn.

"Don't p'int that finger at me, old man," cried a half-tipsy fellow from the proscribed corner. "Ef you do——"

At this an uproar arose in the court-room, which it required several minutes of diligent effort on the part of the sheriff and his deputies to suppress. The entire assemblage was evidently at fever heat, and the slightest disturbance among them was sufficient to provoke the whole mass into angry demonstration.

## CHAPTER XVI.

THERE BEING UNDUE EXCITEMENT IN THE PUBLIC MIND A CHANGE OF VENUE IS GRANTED IN THE ANKERSTROM CASE—AN OLD FARMER RIDES OUT OF TOWN ON A YOUNG LADY'S HORSE, AND THEREBY ADDS TO THE EXCITEMENT IN THE PUBLIC MIND.

WHETHER Lawyer Palaver had intentionally provoked the disturbance that followed his heated remarks is a matter of some doubt. But certain it is that nothing could have been better calculated to further the purpose he had in view, which was to postpone the hearing of his cause, and have it certified to another county for trial. It had been demonstrated in an unmistakable way that the sentiment of the crowd behind the bar was hostile to the prisoner, and as this crowd was composed in great measure of those who had been summoned to court as jurors, it was evident that an impartial jury could not be selected from it. Judge Witherspoon was a just man, and one who was fearless in the discharge of his duty. As soon as quiet was restored in the court-room, without waiting to hear further argument on either side, he announced that in his opinion the accused could not in the then excited state of the public mind obtain the fair and impartial trial which the law guaranteed to the humblest citizen charged with a grave offense. A foul murder had been committed in the county; this much there was no gainsaying. The entire community had been shocked by its perpetration, and the prejudice against the prisoner was strong, for rightly or wrongfully he was regarded as the author of the crime. Under the circumstances justice demanded that he should be sent elsewhere for trial. The affidavit filed by the prisoner's counsel contained sufficient matter to entitle him to a change of venue, and the case would be transferred to the neighboring county, in the jail of which the prisoner had been for some months confined, and where it was hoped there was no feeling either in his behalf or against him.

Sheriff Sanderson, after the decision had been announced, qui-

etly withdrew with his prisoner from the court-house. The judge was one who they all knew would uphold at all hazards the majesty of the law; the sheriff was an officer not to be lightly interfered with when in the discharge of his duty, and so no effort was made to molest Johan Ankerstrom as he was taken handcuffed from the court-room to the county jail. The excited crowd dispersed, at least left the building, and found more room in the yard outside, as well as a more favorable position from which to vent its wrath and indignation. The more hot-headed among those gathered here openly advocated storming the jail and capturing the murderer of old Mrs. Bascombe at whatever cost. Some who indulged in this dangerous talk were duly sober, but the loudest had been rendered bold by intimate association with John Barleycorn. Pearson, calm and cool as usual, did what he could to allay the excitement and to suppress all attempt at violence. He and his trusted friends had resolved to appeal unto Cæsar, and they were still determined to work and wait until a decree could be obtained from the tribunal whose aid they had sought. Templeton, younger and more hasty, was fast losing again his remnant of patience, and had about reached the point where forbearance in his opinion was no longer a virtue.

"This is an outrage," he cried to the young attorney whose acquaintance he had formed the night before, as the two wended their way to the tavern at the noon recess of the court. "It's nothing short of an outrage."

The young attorney shrugged his shoulders and laughed. He did not wish to take open issue with his client, but it was evident he did not regard the proceeding as an outrage.

"Eight months have passed away since the murder of that good old woman," continued Templeton, hotly, "and yet we have hardly advanced a step toward the conviction and punishment of the scoundrel who slew her."

"That's a fact," said the young attorney.

"And now we have to wait four months more, and the witnesses must all be dragged to another county to testify after they have made three trips to their county seat in the hope of being examined and dismissed."

"That's true," said the young attorney.

"It's an infernal outrage, that's what it is," cried Templeton.

The young attorney cleared his throat.

"Were you not astonished when the judge rendered his decision?"

"No," replied the young attorney, candidly, "I was not. The fact is Judge Witherspoon could hardly have done otherwise. The affidavit contained sufficient ground for continuance and change of venue, and it was his duty to grant the application. He is a fearless and upright judge, and you will respect him highly when you know him as we do."

Templeton was a little softened at this. He saw his companion was minded to uphold the dignity of his profession, and he respected him the more highly for it. "Well," he continued, "you lawyers have your own way of looking at things, but to me a proceeding of this sort seems wholly unjustifiable. Twelve just and intelligent men could certainly have been found in this county to try that scoundrel, and I cannot see why the effort was not made to get them. The men who were brought to court were for the most part ignorant and prejudiced, and I cannot say I think it would have been right to permit these to sit on the prisoner's case. But why not have summoned a number of the most intelligent men in the county, and leave the question of guilt or innocence to them?"

"Because all the intelligent men in this small county have formed opinions which would render them incompetent as jurors. The crime was a most shocking one, and the details are known to all your citizens."

"Good men," answered Templeton, "can discard opinions hastily formed, and being charged with the grave responsibility of trying a human being for his life they can render an honest verdict on the evidence brought before them. Such jurors might not be acceptable to guilty men brought to the bar of justice, but they would render verdicts that the community would respect."

"Maybe so," answered the lawyer, "but nevertheless under our system they would not be competent jurors, for no one who has formed or expressed an opinion can serve on a jury in Tennessee."

"Then it has been practically settled since the date of this fellow's arrest that he could not be tried in the county where he committed the murder. The crime being a monstrous one, you lawyers and the judge have known for months that he could not be made to answer for it here where all the facts had been freely discussed?"

"I think it has been pretty generally understood that a jury could not be gotten in this county to try the prisoner."



"Why, then, did not the judge order the case transferred to another county as soon as the indictment was found?"

"Because the prisoner under our constitution is entitled to a fair trial before a jury of the county where the crime is alleged to have been committed. He can waive this right, but the judge cannot take it away from him without his consent."

"The judge cannot order a change of venue unless the accused asks for it?"

"That is so."

"Suppose he never does ask for it?"

"The judge would be tempted after a while to force him to trial before a prejudiced jury. It's a dangerous thing to press the court too far."

"He can sorely try the patience of the court and the community, but he must not exhaust it."

The young attorney laughed again, but made no reply.

"Well," said Templeton, musingly, "if the judge knew the prisoner could not get a legal jury in this county, and the judge knew he could not of his own motion transfer the case to another county, why did not the judge order a jury to be brought from another county to serve here?"

"That would have been in violation of the prisoner's constitutional right to a trial before a jury of his own county."

"That would have effected a considerable saving in the matter of public expense. It would also have been a great favor to the witnesses who have traveled to court three times now, and who are growing wearied of being dragged about in this way."

"Yes, it is so, but under our constitution the plan you suggest could not have been adopted."

"Hum, hum, hum," pursued Templeton, as they walked along. "Let me get this thing straight in my head. I'm but a farmer, you know, and don't understand the working of our system quite so well as you lawyers. If I commit a horrible murder in any county of this State, and am apprehended for it, first all the witnesses against me must be made to travel to court to testify before the grand jury."

"First," said the attorney, "they would perhaps be required to appear and testify before a justice of the peace, who would bind you over to await the action of the grand jury."

"Oh, that's the beginning point, is it?" said Templeton. "Very well, now I have it. First, they go before a justice of the peace

and tell their tale; then they wait possibly as much as four months, and go before the grand jury and tell their tale; then they wait a while longer, and go before the court to tell their tale; but here I demand that they all be made to go home and return later on, because of a just prejudice existing against me in the public mind. Four months later they come again, but now I demand that they all go home once more, and meet me still four months later in another county, because the just prejudice still exists against me among the people I have deeply wronged. There is no help for it, and judge, witnesses, and all are compelled to do my bidding. After a while those summoned to testify grow weary see-sawing between their homes and the courts, and I stand an excellent chance to escape the penalty of my crime altogether."

"Under our system——" began the attorney.

"Oh, yes, I understand," interrupted Templeton. "Under our system the thing works out this way. Under our system, it seems, the good citizen is not entitled to any consideration at all, and the scoundrel is entitled to a great deal. And the bigger scoundrel a man is the more consideration he is entitled to. That's the way it looks to me under our system."

"You are exasperated," said the attorney, laughing. "I can't say I blame you much for feeling as you do, and yet the right of trial by jury, and by a fair jury, is an old one. It descended to us from our ancestors, and all the prerogatives extended to the accused, which seem to you so absurd, have been found in the past to be necessary safeguards to protect the weak and oppressed against the strong and tyrannical."

"All mighty fine," quoth Templeton, "but the danger now is not that the strong and tyrannical will oppress the weak, but that common scoundrels will go unwhipped of justice, and the community have no protection from their misdeeds. The law as now administered, Mr. Lawyer, is too tender toward villains, and it's no wonder honest folks are fast losing patience with it."

"To comprehend any system," replied the attorney, "you must go to the root of it. At one time in England there was a disposition on the part of the barons to grind the commoners——"

"Let me tell you a thing, sir," interrupted Mr. Bob Lee Templeton, "that perhaps will astonish you. The barons of whom you speak, and likewise the commoners, have been dead and buried these hundreds of years—these hundreds of years—I tell you, and you have no more right to weigh us down with the old rules and

safeguards made to fit their case than you have to clap on us the heavy helmets and breastplates that must have made 'em stagger as they walked."

"I have a suggestion to make," replied the attorney, "which perhaps will induce you to modify your views on this subject."

"What is it?" cried Mr. Bob Lee Templeton.

"Let's take a drink."

Mr. R. L. Templeton smiled. "Well," he remarked to his companion, "you fellows took me up in a balloon last night, and I've been feeling all morning as if I'd like to come down on a parachute."

There was a place of business not far away that had in front latticed green doors swinging either way to suit the convenience of the customer. Taking the arm of Mr. Bob Lee Templeton the young lawyer and he presently disappeared behind these green doors, and further this deponent saith not.

About the noon hour Sheriff Sanderson, having partaken of an early dinner, set out with his prisoner for the adjoining county, the jail of which was destined to be the residence of the latter at least until the following term of the circuit court, some four months off. None but these two took the road, as Sanderson was satisfied there would be no serious attempt to wrest Ankerstrom from his custody, and he did not fear his escape during the journey. It was not far from midnight when he reached his destination and bade good-by to his sullen captive, to whom he had shown every kindness in his power, for that was Sanderson's way. Having again taken a receipt for his man from the jailer, and washed his hands of all further responsibility as to his keeping, the sheriff sought a bed at a good boarding-house in the town, and almost as soon as he touched it dropped into a sound sleep.

Back at Ashton the court ground on all the afternoon, the lawyers dull and listless and playing, in theatrical parlance, to a slim house. A single deputy was sufficient to keep order in court and execute the mandates of the judge, and he did not find his duties very fatiguing. The quarrel between Palaver and Whackemall, which in the forenoon had looked alarming, was now healed without much effort. The two gentlemen laughed over the matter in a back room, and shook hands cordially when their interview ended.

Miss Sue Bascombe had to do a little shopping before she

wended her way homeward, for country folk must avail themselves of every occasion that demands a visit to town, and it was growing late when she signified her willingness to depart. The horses of her party, and many others, had been stabled in a barn a little way off from the tavern, and left there in charge of the old negro, Uncle Davy, employed for the occasion. A considerable number still remained, though a majority of the animals had been taken away, when a servant was sent to the place to saddle and bring out Dandy Jim. Presently he returned with the surprising information that the horse had been already called for and carried off. Supposing there was some mistake on the part of the old man left in charge at the barn, Templeton went thither and made diligent personal search, but failed to find the stout and active animal that had borne Miss Sue to town that morning. When a report to this effect reached the tavern the young lady herself visited the barn and joined her anxious inquiry to that of others in endeavoring to ascertain by what means her property had been disposed of without her consent. Dandy Jim was a horse far above the average both in looks and qualities, and the old negro remembered him distinctly.

"Yas'm," he said in response to Miss Bascombe's somewhat sharp demand for an explanation, "I 'members dat hoss mighty well. He ain't no common hoss, dat hoss ain't, and hit stands to reason dat a pusson wa'n't gwine to forgit him atter dey once seed him. Here comes a ole gen'lemun, do, treckly atter dinner, and say he 'bleeged to have dat hoss fur to go right away and fetch some witnesses what been leff behind at de trial. He gim me a dime fur to make me git a move on myself, and say he comin' back presen'ly, and he was sich a honest lookin' ole gen'lemun dat, 'fo' God, I never s'picioned nothin' wrong about him."

"Where did he say he was going?" inquired Miss Sue.

"He say he gwine out atter a witness, I tell you, and comin' back presen'ly. Dat's what he say, and he gin me a paper—whar is dat paper?" And the old man began fumbling about in his pockets. When he had searched there in vain he looked in his hat and found a crumpled note, which he handed the young lady. "Read dat," he said, triumphantly. "Dat will 'splain de whole business."

Miss Sue took the paper and read aloud the contents, written in a smooth clerkly hand;

"Let Mr. David Hammersmith have my horse and Mr. Lee Templeton's saddle, to be returned without delay.

"SUSAN BASCOMBE.

"January —, 18—."

The girl turned the paper over in her hand and looked round on those present in considerable surprise. "Well, did you ever?" she exclaimed. "Why, I never signed my name Susan Bascombe in my life. Everybody calls me Sue."

One part of this remarkable order had made a particular impression on the mind of Mr. Lee Templeton. The horse he had ridden was a fairly good one, but his saddle was superfine. He went promptly to the spot where it should have hung and found it missing. Mr. Templeton was generally careful in the selection of words to express his ideas, but he used now an exclamation which would hardly have been becoming under any circumstances, and certainly was not fit to be uttered in the presence of a lady.

They say misery loves company, and when Miss Susan Bascombe beheld his rather rueful countenance and heard the remark he was surprised into uttering, she clasped her hands and laughed heartily.

"He got you too, did he?" cried the young lady.

"That saddle and bridle and blanket," remarked Mr. Templeton, not directly replying, "would have been cheap at fifty dollars. And the infernal rascal took 'em all."

"The order only called for the saddle," said Miss Sue.

"Can you read old man?" inquired Templeton, turning abruptly toward the custodian of his goods.

"Naw, sir, I can't," answered the individual addressed. "But dar's my granddaughter Meriky, she kin read right straight along. She read dat paper out loud to me, and dat's de way I got de sense of it. I kin hear ef I can't read."

"Did that paper say anything about my blanket and bridle?"

"Naw, marster, hit didn't; but den don't ev'ybody know de bridle and blanket goes wid de saddle? 'Pears to me any fool mout know dat."

Miss Sue still held the mischief-making paper in her hand. Templeton approached, and, standing by her, read the contents for himself. Mr. Randolph Pearson was absent on some other business and had not yet been informed of the robbery, for such it clearly was.

Miss Sue looked at Mr. Templeton, and Mr. Templeton looked at Miss Bascombe.

"Dandy Jim," said the young lady, "was one of the best horses in all this country, and I'm going to have him back if money and friends can get him back."

"And I'll be one of the friends to help bring him back," replied the young gentleman, gallantly. "As for the saddle and bridle and blanket, they may go to the d——"

"Dogs," suggested the young lady.

"That's it," answered Templeton. "That's the word I was trying to think of."

"What sort of a looking man was he now that brought this order?" inquired Miss Bascombe of the old negro.

"He was a farmer-like kind of a lookin' old man, mistis," was the reply, "and yit he didn't look so very much like a farmer man nother. He had on a slouch hat, rusty, and wore out on de top; and he had on a pair of big brown jeans breeches, wid bedtick galluses; and he had on a shirt widout no pleats in de bosom; and he had on a pa'r of shoes what stood mightily in need of blackenin'. All dat, you may say, made him look kinder farmer-like. But den his hands, whilst dey was dirty enough, was leetle small hands; and I look up under his coat sleeves and seed his arms was white, which showed de sun never did have no purchase on 'em. I sized him up, I did, when he fotched dat paper, and I say to myself dis here gen'lemun is bound to be a farmer, and yit, I say to myself, he is likewise a cur'ous farmer."

"You don't often see a farmer who can write that sort of a hand," said Mr. Bob Lee Templeton, inspecting the paper critically.

Miss Bascombe examined the instrument more carefully now for herself. "A farmer didn't write that," she said emphatically. "A farmer's fingers would be too stiff to do such neat penman's work. And besides," she added, looking seriously into Mr. Templeton's face, "farmers are not forgers and horse thieves."

"That is so," replied Mr. Bob Lee Templeton.

"That is undoubtedly so," repeated the young lady.

"What did the old gentleman, as you call him, say when he gave you this?" inquired Templeton of the negro man.

"He never hardly open his mouth. He act like he kinder deaf. I b'lieve he was deaf, de way he done. He gin me a dime, I tell you, and make signs for me to be in a hurry, and p'int to de court-

house, and den to de country, and say 'vitness, vitness,' two, three times. Den I knowed he was atter witnesses fur de court, and had de law behind him."

"He's a smooth scoundrel," said Miss Bascombe. "That's what he is, and I lay he's an old hand at this business."

All this, however, did not bring back Dandy Jim; nor did it replace the saddle, bridle, and blanket of Mr. Robert Lee Templeton.

"What are we going to do now?" inquired Miss Sue, in a perplexed tone, and not addressing apparently anybody in particular.

Mr. Templeton for a moment or two did not undertake to solve the difficulty. He had on his studying cap.

"Never mind," said Uncle Davy, who wished to be consoling. "I specks de deaf ole gen'lemun be back presn'ly."

"You're a fool," said Mr. Robert Lee Templeton.

"I ain't no fool, marster," replied Uncle Davy, with some spirit, "and your sayin' so don't make it so, nother."

While they stood turning over the perplexing situation in their minds a messenger came to say that Pearson had just heard of the robbery, and had heard the direction in which the thief went. With three or four others he had started off post haste in pursuit, and now sent word to his friend Templeton to escort Miss Bascombe home, as he himself might not return before to-morrow. This commission Templeton cheerfully undertook to execute, and immediately set about contriving a plan by which it could be carried out. He looked at the young lady, and the young lady looked at him, and each for the moment wore a rather puzzled expression.

"I have a pretty good horse," said the young gentleman to the young lady.

"I have a pretty good saddle," replied the young lady to the young gentleman.

The young gentleman here whistled a little very softly, not for want of thought, but because he was deeply cogitating. Then he raised his eyes and gazed upon the young lady for a moment.

"There isn't any help for it," remarked the young lady, gravely.

Then Mr. Bob Lee Templeton, being a man of affairs, led forth his horse—which was not as reliable an animal as the one he had lost some weeks previous—and placed upon its back the young

lady's side saddle and buckled the girth tightly, and took his watch from his vest pocket and consulted it.

"It's ten minutes to four," remarked Mr. Templeton to the young lady, "and the place you wish to reach to-night is five miles away. If we don't hurry it will be dark before we get there."

Then Miss Sue Bascombe went out to the fence a few yards away—it was a tumble-down old rail fence—and climbed upon it, and from this vantage point transferred herself easily to the side saddle when Mr. Templeton's horse was brought near. The young gentleman next climbed upon the fence, when the horse, perceiving his intention, began to fidget and sidled off a few feet.

"I'm not sure he'll tote double," remarked Mr. Templeton.

"We'll make him," replied the young lady, and immediately switched the refractory animal to its proper place by the fence.

Mr. Templeton gave a leap—he had taken a course of gymnastics at school—and lit on the back of the horse and behind the saddle, and likewise behind the young lady, who sat erect in front holding the reins tightly.

All this occurred in the broad open daytime, and in the immediate presence not only of Uncle Davy and his little granddaughter, but of other interested spectators.

Uncle Davy, when they set out, pointed them to a near cut by which they might save some distance and avoid curious eyes in the town, but Miss Sue preferred guiding her horse down the main street, and Mr. Bob Lee Templeton raised no verbal objection. So they journeyed, and soon discovered that the horse would tote double nicely enough. So they journeyed, and before a great while a pleasant conversation sprang up between them to enliven the way.

"I'm very glad," remarked Mr. Bob Lee Templeton—who usually found the bright side of a situation if there was any bright side—"that I've got a good saddle blanket under me."

"It is fortunate," replied the young lady.

"And that the horse will tote double."

"Very lucky."

"And that I have a nice girl in the saddle in front of me."

"Glad you think so."

"Fact is," said Mr. Bob Lee Templeton, "I feel pleased somehow right now, when by all the rules of logic I ought to feel wretched, having had such a run of bad luck to-day."

The young lady did not reply.



"Fact is," continued Mr. Templeton—who had studied mental and moral philosophy at school—"the human mind is a very curious particle. We are frequently sad in the midst of joyous surroundings, and often merry when a rueful countenance would more become us."

"So I'm told," replied the young lady.

At this point the horse began to prick his ears and seemed disinclined to go by some object ahead on the roadside. She gave him a sharp cut to let him understand she proposed to make him go by. Not expecting the application of the lash the horse jumped. Not expecting the horse to jump Mr. Templeton was taken unawares, and came near losing his seat on the saddle blanket. To save himself he threw both arms about the lady's waist. The reader will bear in mind that he was bound to catch hold of something, and there was nothing else to catch hold of. Just as soon as he could he turned loose, as it was meet, right and proper to do.

But the incident, and the situation generally, stirred the soul of the young man to its depths. There is a species of intoxication that cometh not from strong drink, but from more ethereal stimulants. Nevertheless it is intoxication, and those subject to its influence should not be held legally responsible for their words or conduct. Mr. Templeton recovered his equilibrium upon the horse, but he did not recover his mental equilibrium, which he had been gradually losing for the past two or three miles of his way.

"You were speaking," remarked the young lady sweetly, "of the singular fact that we sometimes feel pleased and cheerful when we have just met with misfortunes well calculated to discourage and dishearten us."

"I was," replied the young gentleman, "but when we reflect upon the incongruity of such a state we usually find that it arises from the fact that while annoying accidents have indeed befallen us, their consequences are more than offset by some countervailing blessing that has immediately followed."

"That's very pretty," replied the young lady, "but I don't understand you."

"Miss Sue," remarked the youth gravely from his seat on the saddle blanket, "you cannot fail to understand me. You do not need to be told that while the old judge knocked us out in the court-room, and a villainous thief served us just as badly in the stable, these trivial setbacks are as nothing when compared with

the supreme happiness of riding close behind you on this saddle blanket. You are a young lady of penetration, and you will therefore not be in the least surprised when I declare——”

“Why, ain’t you ashamed of yourself?” cried the young lady from her seat in the saddle. “You know you’re in love with Polly Habersham.”

“That’s a fact, so I am,” replied Mr. Bob Lee Templeton heartily.

And they changed the subject.

## CHAPTER XVII.

IN WHICH THE READER IS INTRODUCED TO TWO CAVE-DWELLERS NOT OF THE PREHISTORIC KIND.

A BLACK fellow sat parching coffee over a slow fire. The odor from the brown grains rose and filled the still, heavy atmosphere of the cavern in which the fire had been built. The glare of the flame lit up the ragged wall around and showed a small apartment nearly circular in form, not more than fifteen or twenty feet in diameter, and with a ceiling that dipped on one side within five feet of the ground and on the opposite side was double that height. A break in the wall on the lower side led into a dark passage without. This opening was hardly large enough for a stout man to crawl through. The interior space was evidently but a niche in the cavern, which at the expenditure of some little labor had been made habitable for human beings. Fragments of rock had been rolled from the center of the open space and placed against the walls. The floor had been smoothed down, at least to such extent as to make it tolerably good treading for the feet. Not far from the fire was a heap of blankets and a confused mass of straw, which manifestly had been used for bedding. Now a pleasant-faced white youth sat on this heap, hugging his knees with his arms and blinking like an owl as he lazily regarded the African at the fire.

"He stays a good while," said the white youth, yawning, and presumably addressing the negro, as there was no one else in view.

The black man stirred the coffee, then took up the skillet and shook it to keep the grains from burning. Replacing it on the coals he answered:

"I'll bet he brings a good one when he comes. Dat ole man's a captain."

"If he does," replied the other, "it will be more than you did the last time. That infernal horse was so broken winded I could hardly get to the end of the first stage with him. They let him

take it easy after that, but we haven't got him off our hands yet."

"I was fooled in dat hoss," said the negro. "He was up-headed, and stepped proud, and carried hisself so grand he tuck my eye de minit I seed him. I sho thought he was wuth a fortune, but stidder dat he wa'n't wuth a damn."

At this the gentleman on the straw pile laughed. "You ain't much judge of horseflesh no way, are you, Sam?" he asked.

"Naw, I ain't. I owns to dat. You see, Mr. Hardrider, I'm new in dis business. My main line has been crap-shootin', and whilst I was in Alabam' I used to branch off from dat once in a while and make a little money by gwine into houses of nights. But I got most too heavy for dat sort of business and had to quit. Dar wa'n't much in it no way. Rich men put dar money in de bank to keep from losin' it, and po' folks didn't have none to lose, so you got most as much out'n one sort as t'other. Sometimes you struck a good watch, but dat was d—d seldom, and when you did dar wa'n't no way of gittin' rid of it. It was a heap more liable to git you into trouble dan it was to put money in your pocket. De last one I tuck I flung in de creek, but some boys fished it out, and dey got atter me so clost 'bout de d—d thing dat I had to leave dem parts, and I leff in a hurry. I come up here, and was hard put to it for a while, but I accidentally run up on de ole man one day, and he tuck me, and made a gen'leman out'n me."

"The old man's a trump," said the individual in the straw.

"Dat's what he is," answered the negro.

"He sets a heap of store by that d—d son of his."

"Dat's his weakness."

"Like as not he's fooling away his time now listening to that trial in the court-house."

"Dar ain't gwy to be no trial."

"How do you know?"

"Kase de ole man said so dis mornin'. Dat smart lawyer er his'n ain't made up his mind to go to de jury yit, and he ain't gwine to de jury till he git ready. He tell de ole man he gwy worry de life out'n de witnesses travelin' backwards and forwards to court, and fust thing you know he gwy ketch de t'other side when dey ain't ready; den he gwy push a trial and clear his man."

"I wish they'd try him to-day and hang him to-morrow," said the gentleman in the straw. "He's no good, and the old man ain't fit for business whilst they've got him tied up. He's like

a cow with her calf in the pen; he keeps hanging round."

"It's natur'," said the African.

"Natur' or not, it's playing hell with our business," replied the white man. "I ought to have rid last night, and my partner, you may bet your life, was on hand to meet me at the right place, for he's the kind that never breaks an engagement. He ought to do the riding to-night, and the next man to-morrow night, and so we'd keep things lively. But how in the hell can we ride when we've got nothing to ride on? Everything is out of gear because the old man forgets his business, and goes poking about after his thick-skulled son. It ain't right, I tell you. The old man worked up this plan and he oughtn't to lie down on us now."

"It's natur'," repeated the negro. "Brutes and humans, dey ain't none of 'em gwine agin natur'."

"If I had such a son, or such a brother," said the other, "d—n me, Sam, if I didn't go agin natur' one time and take him out and kill him. He's the beastliest mortal I ever heard tell of, that fellow Johan is. Look what he done the last time, and say whether he oughtn't to swing for it. He goes to a poor old woman's house, burns it to the ground, knocks her brains out with an ax, and when another fellow is took up for his devilment, he jines a mob and helps to hang him. That's what he does, this here precious Jackey, and I say it beats the world. Search the Scriptures, and you won't find no mention of such a case. The Cain and Abel business wa'n't a patchin' to it."

"He made a bad break and no mistake," replied the black fellow, heaving the coffee grains as he spoke into a tin pan by his side.

"I should say so. Them what has a mind to make such breaks ought to break out of this world and into a hotter one. Their friends hadn't ought to give 'em any countenance, and their parents hadn't ought to give 'em any countenance. I ain't no saint, mind you; and don't set myself up for a saint, mind you; but I don't belong in the same world with this here Johan Ankerstrom. I know something about him outside of this last transaction, and I tell you he's a cross between a hog and a dog. When it comes to prowling round at nights he's a dog, and he ain't got no more natural affection than a hog. If he was loose and the old man in his fix, he wouldn't turn over his hand to help him out of the scrape; and like as not he'd go to the hanging when the wind-up came and laugh at his daddy dancing on nothing."

"I never seed him," answered Sam.

"No, and you needn't never want to see him. He's just a damned stupid brute, not worth the fee the meanest shyster of a lawyer would charge to take his case. You couldn't fit him for our business, no not in a thousand years if he was in training the whole time."

"Our business ain't no easy business to follow, when you come to stedd' 'bout it, Mr. Hardrider," said the negro with some pride. "It kinder lifts a man up, and makes him think more of himself when he takes to such a bold callin' as ourn."

"Sam, you're right," replied Mr. Hardrider with emphasis. "You've hit the nail just exactly on the head. Our calling is a bold calling, as you say, and it's a calling that lifts a man up, as you say. A gentleman must have something to amuse him on his way through the world, and I follow this here calling, Sam, mainly for the excitement that's in it. Why, look a here now. Back in the stable, we'll say, is a good horse that's been took up just long enough to make him feel like prancing and stretching his legs, and to-night he's going to have a chance to do both. You rub him down, give him a good feed of shelled oats—that's your part of the business—and by ten or eleven o'clock I'm ready to mount and away. Up I gets—you holding the stirrup for me—and I sets out all by myself on a jolly night's ride. I takes it slow when I'm going by houses where people live, and I takes it fast when I'm on a lonesome part of the road. If I meets anybody I slackens up, drops my right hand so I can pull my pistol handy, and rides by without saying a word. If t'other fellow wants to ask questions I stops, mind you, and answers him civil. I keeps my right hand on my gun whiles we are passing the compliments of the season, and when he's out of sight and out of hearing I rides like hell. What would happen, says you, if he was the sheriff on the lookout for me? Why this would happen, Sammy, and nothing more. Folks in the neighborhood would hear shooting, and there'd be a dead man found in the road next morning. Meb-be 'twould be the sheriff; meb-be 'twould be Mr. Hardrider; all depending—you understand, Sammy?—on which gentleman pulled first. Now ain't that stimulating? Excitement, excitement, my friend, there's lots of it and to spare in our business. But proceed, proceed, you say. Let us suppose a pleasant trip, and no dead man at all left in the road. Very good. About ten or eleven o'clock it was I started out, and shortly after midnight I'm over the line in Ken-

tucky. No damned sheriff or constable can follow me over that line if he was ever so hot on my trail."

"W'y not?" asked Sam innocently.

"Because it's the law," replied Mr. Hardrider gravely. "The law is I can cross a State line when I choose, I not being a officer; and the sheriff can't cross a State line at all, he being a officer. It's a dead line for him, you see, but not a dead line for me."

"Oh," replied Sam.

"That's it," continued Mr. Hardrider. "So I crosses the State line and takes a swig at my bottle, which I haven't did before, wishing to keep my head clear. To'ds day I reaches the place where the next man is waiting for me, and he takes the horse and hides him out where he can get another feed and curry and a good day's rest. When night comes another gentleman mounts the horse and rides him to another station where number three is a waiting for him. Here's another feed and another good rest and from that on they can take it easy and ride by day as well as night. So it goes until headquarters is reached and the horse is turned over to them as will get a fair price for him on the open market."

"Wot den?" inquired Sam, who apparently had not as yet been thoroughly instructed in the details of the business he was engaged in. "Does dem fellows away off yander keep all de money dey gits by de sale of de hoss, or does dey 'vide up like gen'lemun?"

"Sometimes," answered Mr. Hardrider, "they give us a good slice out of the proceeds by way of commission, as they call it. Sometimes, when they get hold of a first-class man like me, they pay him a salary."

"You works on a salary, den?"

Mr. Hardrider shook his head. "Not by a damned sight," he replied nonchalantly.

"Wot den?" Sam ventured to inquire, after waiting some moments for his companion to proceed.

"I'm no hireling," remarked Mr. Hardrider to the negro. "By God, I'm a gentleman."

"Dat's a fack, Mr. Hardrider," replied Sam with evident sincerity in his tone.

"If I was a damned hireling," continued Mr. Hardrider, "where would the excitement be?"

"Nowhars," responded Sam, as he stirred the coffee.

"That's it," said the gentleman in the straw. "If I was a hiring I'd have to go where I was ordered, and do any kind of work they put me at. Meb-be 'twould be away off at t'other end of the line where there's no excitement at all to speak of. As it is I'm my own man, and I'm right here in the thick of the fray, as one might say. If a horse is took anywhere in this here country, he's brought to this here cave and stabled and rested and hid away from sight till the time comes to run him off. Then I mounts him as aforesaid, and bids you and the old man good-by, and has an all-night time of it with that 'ere horse."

"Even down so," replied Sam.

"The fellow that took the horse, mind you, just slipped up to the stable when nobody was awake, bridled him, saddled him, and led him off a piece; then mounted him and had him safely hid away here before the country could wake up and give chase. There wasn't much excitement about that."

Sam shook his head.

When I mount that 'ere horse it's for an all-night ride, and it's when the hull country knows that a horse has been took. There's excitement about that, I should say."

Sam nodded his head. He not only nodded it to indicate acquiescence in Mr. Hardrider's remark, but, his task being finished, he nodded a second time, and gave unmistakable indications of being about to drop off to sleep. Mr. Hardrider noted this and passed in the course of his observations from dialogue to soliloquy.

"I'm damned," said Mr. Hardrider, addressing himself, but speaking loud enough to be overheard by his companion, "if I hain't a mind to turn honest."

"Wot?" cried Sam, sitting bolt upright and staring at the speaker in astonishment.

"I'm a notion," said Mr. Hardrider, as though he was turning the thing over in his mind, "to git on the side of the law."

"Don't you never do it," cried Sam.

"I've been on this side," continued Mr. Hardrider, "until the edge of the thing, you may say, is kinder wearing off and the excitement dying out. Now, if I was on t'other side don't you know I could make things damned lively for a while?"

"Don't you never do it," repeated Sam.

"Why look a here," pursued Mr. Hardrider, "if t'other side



was only to git a move on themselves and act prompt, same as we act prompt, don't you know they could hold a pritty good hand with us? We has to be keen and sharp and always on the go. It's a sleepy old crowd, them on t'other side."

"Don't you never wake 'em up!" exclaimed Sam.

"If I was on t'other side," Mr. Hardrider went on, half soliloquizing and half addressing his companion, "do you s'pose when a horse was took I'd wait for the owner to go hunt up the sheriff, and for the sheriff to ride round the county at his own cost hoping to stumble on the man what took him? No, sir, I'd offer a big reward in advance, and I'd give a permit to all officers to follow and arrest any suspicious character on horseback and hold him till his case was looked into. Then the man that took the horse wouldn't have much the start of them that was after him, and there'd be a reward on both sides to make the race lively. The gentleman in front would be riding for the money there'd be in it to him if he got away safe with the horse, and them behind would be riding for the money there'd be in it to them if they overtook him."

"Sho-nuff," said Sam.

"Do you s'pose," continued Mr. Hardrider, following up his train of thought, "if I was on the side of the law, and the man what took the horse was captured and brought back, I'd wait a lifetime before I made an example of him for to warn others? 'Shaw! there ain't no business in that. If you're going to try a man what bucks up against the law, try him quick; if you're going to punish him, punish him quick. Drag him right to the front; give him his say; turn him loose if he's not guilty, hang him up if he's guilty; that's business."

"Mighty true," said Sam.

"Do you know what the punishment is in Tennessee for this here trade we're following?" inquired Mr. Hardrider of his auditor.

The negro shook his head.

Mr. Hardrider here drew an imaginary halter around his neck and made believe to attach it to some fixed object above him.

"No!" cried the negro in considerable trepidation.

"Yes," said Mr. Hardrider, "that's it. Hung by the neck until you're dead, and may the Lord have mercy 'pon your soul. That's the way the State of Tennessee treats horse thieves—on

paper. In fact, mind you, they mostly go to jail, fee a good lawyer to defend 'em, spend a few years in dignified retirement, and then come out and follow their old trade if their legs haven't got so stiff as to unfit 'em for it."

The negro hugged his knees and gazed in silent admiration on his comrade.

"There's only one kind of law down here in this country that men in our profession need to be afeerd of," said Mr. Hardrider.

"Wot kind o' law is dat?" inquired Sam.

"Mob law," replied the speaker.

Sam raised his hand by way of deprecation. "Don't name it, Mr. Hardrider," he said. "Dat kind o' law ain't fitten to be named 'mongst gentlemen."

"It's like one of those Western tornadoes," said Mr. Hardrider. "It springs up of a sudden; wastes its fury on anything in its way, and dies out all at once. Smart folks can generally dodge it, but it's hell on fools."

Sam continued to shake his head. "I wishes to have nothing to do with it," he expostulated.

Mr. Hardrider pursued his reflections. "If I was to turn honest now," he said to Sam, "do you know what I would do?"

The negro shook his head.

"I'd say to 'em, I would, let's take this here mob law what goes too fast, and this here court-house law what travels too slow, and roll 'em together, and make one good law that would jog along just about right. Let's have—I'd say to 'em if I was to turn honest—a genuine up-to-date law that won't neither throttle the wrong man in a hurry nor dilly-dally with the right man when it gets a holt on him."

"That kind of a law," said Sam, "would ruin our business."

Mr. Hardrider arose and was apparently about to present some new ideas on the subject under discussion, when a low whistle stole into the rugged apartment where the two men sat.

"That must be the old man," he said, addressing the negro.

Without a word Sam rose, took up the lantern but did not light it and walked rapidly forward in the darkness toward the mouth of the cave. The white man remained still until the sound of the negro's footsteps had died away, then he groped his own

way farther back into the interior of the cave and secreted himself behind some fragments of rock that had fallen from the roof of the cavern. He was quite sure the sound that reached his ear had come from one of his accomplices in guilt, but much dodging of law officers had made him wary as a fox.

## CHAPTER XVIII.

THE EXUBERANT FANCY OF SAM QUACKENBOSS BRINGS HIM INTO TROUBLE; AND THE OLD FARMER DELIVERS A FREE LECTURE TO A SELECT AUDIENCE.

THE negro made his way along the dark passage with the unlit lantern in his hand until he heard the ripple of water close to his feet. It was absolutely dark in the cavern, and he could not have detected any unluminous object within six inches of his nose. He had proceeded without hesitation, however, throwing out his hand now and then to feel the wall on his left, and did not falter until his ear caught the low sound of running water. Then he paused, and squatting down remained perfectly silent for a few moments and listened. Hearing no sound he imitated the harsh chuckle of a screech owl, once, twice, thrice. It was a low utterance, but one calculated to penetrate a good way in the dead stillness of the cave. Almost at once the note was answered by one so similar that the two could scarcely be distinguished apart. Once, twice, thrice came the chuckle of the night bird, distinctly heard above the soft ripple of the stream, though at some distance away. The negro now rose and lit the lantern he held in his hand. By its rays the passage behind him could be discerned, a rough stony track ten or fifteen feet in height and of about equal breadth. This passage here joined another, from which the stream came. It was winter, and the water was cold, but the negro without hesitation took off his shoes, socks, and even his trousers, and leaving these on the dry bank began wading down the creek, for the stream was broad and deep enough to be so termed. Most of the way the water ran above his knees, but at intervals there were deeper places where it nearly reached his waist. Sometimes the arch overhead dipped down so low as to almost touch his head, and there was one long curved narrow passage through which the stream tossed and swirled in its anxiety to free itself. The negro held his lantern

high here, and found some difficulty in maintaining his footing. Making his way cautiously through this chute the rays of his lantern showed that the passage broadened at the lower end, and the stream hugged the right wall, leaving a strip of dry land to his left. He might have taken his way now along this strip of ground if he had chosen, but he remained in the water and proceeded down the bed of the creek. He paused now, and extinguished his lantern, and going a short distance farther a faint streak of daylight greeted him from the mouth of the cavern. It was but a dim ray, that did not aid him any in finding his way along the bed of the creek. He advanced now groping his course and with both arms extended as if he anticipated encountering some obstacle ahead. He turned a curve where the light was a little stronger, and immediately before him there stood a horse with a man atop of him. The horse started back in affright when the negro came suddenly upon him, but the rider patted him on the neck and soothed him in low tones.

"Ho t'ere. Sho, coot fellow. Don't act te tam fool," said the rider caressingly. The negro in the meanwhile had seized the bridle and held the animal firmly. A little more soothing, and the man in the saddle turned the bridle rein over to the negro, who led the horse slowly back up stream, stopping now and then to calm and reassure him. When they had gotten beyond the last possible glimmer of daylight the negro halted in the middle of the stream and lit his lantern. They proceeded some distance further, the animal occasionally snorting and pressing close upon the heels of the African, as if relying upon him now for protection. When they reached the long narrow chute through which the water swirled and tossed they came to a second halt.

"Has you got any liquor?" queried the African, as the cold waves splashed about his bare legs in midstream.

The man on the horse took from his side pocket a flask about half full of whisky and handed it to his companion. The negro's hand trembled as he grasped the flat bottle eagerly. "I'm pooty nigh friz," he remarked, and then turning the bottle up he poured most of its remaining contents down his throat. As he stood in the narrow way the lantern lit up objects about him very distinctly. The horse that pressed upon him bore a marvelous resemblance to Miss Sue Bascombe's animal, Dandy Jim; the saddle was new and of good leather and the rider looked like an honest old farmer who cared little for appearances.

"You'll hatter say your pra'rs now," observed the negro, as he handed the nearly empty flask back to its owner. The old farmer seemed to have a peculiar way of saying his prayers, for at this injunction he stretched himself at full length, lying flat on the animal's back like a lizard on a log. Patting the horse kindly on the head to assure him that no harm should befall him the negro led the animal cautiously up the stream and through the perilous channel. At one or two spots he came to a stand, and gave notice to the old farmer to lie particularly flat before he ventured on. The old farmer fortunately was little of stature, for if he had been corpulent at some one of these places he must have been scraped from the saddle. "Pray hard, pray hard," the negro kept repeating, when he feared it would be a particularly tight shave for the horse and rider to squeeze themselves through some low narrow place. The old farmer did not utter a single exclamation on this most trying part of his journey. Now and then he groaned dismally, but he made no attempt to speak. The animal beneath him cleared its nostrils occasionally, but very softly, as if it feared a vigorous snort might bring down calamity on the entire expedition.

"Here we is," cried Sam, when he had finally reached the point where they could leave the water and take to the dry land.

"Mine Cot," exclaimed the old farmer, as he leaped to the ground and began hopping up and down to give vent to his ecstasy. "Ah, mine frient Sam, but it's a proud man I am tis minit. Holy Moses, but tat vas a tam tight squeeze. I vould not take such a ride agin, s'help me, for all te cattle in ter Marrowpone Hills."

"You'd oughter had dis place in mind when you tuck de hoss," replied Sam. "I was afeerd once or twice he wa'n'a gwy squedge through. Now he's in here we'll have to feed him light, or we'll never git him out."

"He's a pig fine horse, dat's a fact," replied the old farmer, whose attention was now directed to the animal.

"Dat's even down so," answered Sam. "But lem-me tell you, boss, sich hosses wa'n't made to fit dis place. Whilst we keep dese here headquarters we'd oughter confine our attention mostly to ponies."

"Ah, but tis is a coot horse," said the old farmer, taking the lantern from the negro and holding it up so he could examine the animal more closely. "Two huntert tollar is sheep for him."

The negro got back into his clothes with as much expedition as

possible, for he was cold. Then taking the bridle rein and lantern he led the horse farther back into the cave, the old farmer following. When they reached the opening that led into their private apartment the old gentleman crawled through this, the negro going onward with the horse. Presently he halted and tethered the animal at a broad level place which bore evidence of having been used as a feeding ground before. Going to some sacks that stood at a little distance off he brought about a half gallon of shelled oats in a small wooden tub, and then removed the saddle, bridle and blanket from the animal, preparatory to giving him a good rubbing down while he fed.

Sam was a pretty good judge of horseflesh, and as he pressed the cloth lightly up and down the horse's back and inspected his various good points with a critic's eye, he indorsed without reservation the opinion the old farmer had expressed in regard to him.

"Dis here is a good horse, and no mistake," said Sam to himself, squatting down to wipe off the right foreleg of the animal. "Hit's de very best hoss we've met up wid yit in our business," he continued a moment later, still addressing himself. As he rubbed, and rubbed, there being no other human being nigh to whom he could communicate his ideas, he fell to ruminating aloud. "Ef I owned jess sich a critter as dis," said Sam to himself, "and could ride him 'bout anywhars in de daytime, and had de money in my pocket wot de owner of sich a critter as dis ought to have, ef I didn't cut a swell I'm de biggest liar dat ever opened his mouth. Lord, wouldn't I cut a swell wid dis hoss ef I could ride him 'bout anywhar's in de daytime, and had de ready money for to support me and him? I'd go back down yander to Alabam', I would, and I'd ride straight up to de house whar dat gal lives, and I'd holler loud enough for to wake a p'leeceman three squar's off. 'Hello,' I'd say; 'who keeps house?' I'd say. 'Is ev'body dead in dese parts?' I'd say. Wid dat you may bet your bottom dollar dey'd all come tumblin' to de do'. Dat gal, Huldy, and all her little brudders and sisters, and her ma, and her ole granmammy, and de brindle dog wid one eye here dey'd all come. Den de ole granmammy she'd kinder shade her eyes wid one hand and look at me hard and say, 'Why, hi! ain't that Sam Quackenboss wot leff dese parts so sudden last Christmus was a year?' Den I'd make my bow, and speak up to her jess as perlite as a dancin'

marster, and say, 'No, marm, it ain't.' Den Huldy's ma she'd speak up and say, 'Go way fum here. You tell me dat ain't Sam Quackenboss, de runaway nigger wot lit out fum here last Christmus was a year?' Den I'd 'spond to her, 'No, marm, it ain't. Dis here ain't no runaway nigger, marm, I haves you understand. Dis here is Mr. Sam Quackenboss wot taken a little pledger trip last Christmus was a year, mum, same as any other gen'lemun, and wot has now come back fur to pay his respects to your darter Huldy, mum, same as any other gen'lemun.' Wid dat I'd light off'n dis here hoss, and I'd 'vance to'ds de house wid my hat in my hand, a bowin' and a smilin'——"

"Yes, and you'd play hell too," said a voice close to him, proceeding evidently from some person who had overheard his soliloquy.

Without a word Mr. Sam Quackenboss dropped his cloth and brush, and rushing back into the cavern where he saw a dim figure standing, he grappled with the individual who had so suddenly interrupted him, and by a dexterous twist of his right leg round that of the unknown intruder, he speedily upset him. Having accomplished this much in a jiffy he placed his knees on the arms of his prostrate adversary, and gripping him firmly by the throat prepared to throttle him. The man underneath resisted violently, and it chanced in the struggle that a ray of light from the lantern fell on his face. Sam to his astonishment recognized the features of the friend from whom he had not long since parted in the guest chamber, and springing to his feet he cried out so loud as to be heard at some distance away:

"'Fo' God, Mr. Hardrider, I didn't know dat was you."

The gentleman addressed had risen promptly, but he was obliged to consume some moments in the effort to recover his wind before he could reply. When his lungs had begun again to perform their natural function he answered indignantly:

"Next time you'd better wait until you find out something about a fellow before you try to kill him."

To which Sam answered excitedly: "In jineral, sar, dat's my rule; but you took me on surprise."

At this moment the old farmer, attracted by the disturbance, appeared on the scene with a lantern in his hand. "Py Apraham and Moses," he cried in a hoarse whisper, shaking his lantern at first one and then the other of the disputants, "you vill rune ter pizness. You vill pring ter sheriff, and Cot knows vat all. You



vill land te whole posse of us in shail, you reckerless pad poys, you miserable tam fools. Go pack to der place vere you pelongs. Go pofe of you pack right at vonct, or I vill discharge you, so help me. Dere now; dere now; go pack, goot fellows. Go straight pack at onct allretty, and stop your tam foolishness, or you vill rune te pizness."

They obeyed the command, and when the three men were seated in the guest chamber, as their private apartment was called, the old gentleman delivered to his two juniors a fatherly lecture by which it is to be hoped they both profited. "Pizness is pizness," he said. "Ven you go in a pizness learn te rules of tat pizness, and stick to te rules of tat pizness, and you vill prosper, and ter plessing of Cot vill pe upon you. If you follow te auctioneer pizness you must cry mit a loud voice so people vill hear you. Dat vay you prosper. If you follow te pizness of taking utter men's horses and hiding dem in a cave, you must mind de rule to speak low or dere'll be hell to pay. No matter vat your pizness, follow de rules of tat pizness, and coot will come of it in de ent. Vatch all alonk de line, and make effry edge cut, so you vill haff pig money pime-py. If you sell coots make ter coostomer pay cash and put dat cash in your pocket; puy te coots on a credit and preak pefore pay day cumps. Dat vay you git large money. Follow te rules of your pizness, mine frients, and keep your eyes vide open all de time."

"Speaking of keeping your eyes open," said Mr. Hardrider, desiring to switch the old man off upon a more interesting topic, "I saw a mighty fine horse about six miles this side of Nashville t'other day; that's what I saw."

"Dot's pizness," said the old gentleman.

"Light sorrel," said Mr. Hardrider, "medium size, clean limbs, tail cut square, looked like a racer."

"Dot's pizness," repeated the old gentleman.

"Runs in a ten-acre lot with a high fence round it. Put in there I guess to let him play."

"Dot's pizness," remarked the old gentleman for the third time.

Mr. Hardrider having imparted this piece of intelligence lit his pipe and lapsed into silence.

"Now," said the old gentleman, "de kevestion is who vill git him oot of dot ten-acre lot. To my notion dot 'oss has had play sooficient in dot lot."

Mr. Hardrider smoked on in silence. Sam likewise held his peace.

"I leaf dot matter to you two shentlemen," said the old man, "and I vants dot 'oss in de stable here soomtime to-morrow night. A vord to de vise is sooficient.

The negro had produced a crumpled deck of cards from his pocket and now in dumb show challenged Mr. Hardrider for a game. The white outlaw faced him, and with the pipe still in his mouth motioned his companion to shuffle and deal.

"Pizness is pizness," continued the old gentleman. "My frient Kevackenparse, and my frient Artriter, you vill go to-morrow and stop dot poptail 'oss from playin' in dot ten-acre lot. Kevackenparse vill——"

"Call me Sam," interrupted the negro. "Ef you don't leave off dat Kevackenparse I'll ax de court to change my name."

"Ver' coot, ver' coot," said the old gentleman. "I vill call you Sam, Alabam' Sam, and let de Kevackenparse go to hell. My frient Sam vill git dot 'oss oot of dot lot and turn him over to my frient Artriter, who vill fetch him here and poot him in de stable vere he pelonks. Pime-py next veek ven de owner of dot 'oss git tired lookin' for him ve vill send him and de big fellow vot shust come in off to de market. Pizness is pizness."

"Clubs is trumps," said Mr. Hardrider.

"And it's my lead," said Sam.

"Ven dot 'oss is turned over to Artriter," continued the old gentleman, "mine frient Sam vill stay in de country and mix vid de peoples a vile. Ve need vitnesses for de court as vell as 'osses for de market."

"Never mind about dat," answered Sam as he trumped one of Mr. Hardrider's cards. "Let de witnesses go."

"Ah, mine Cot," said the old gentleman, "I must not forgit de main pizness vot prought me to dis tam Marrowpone coountry. Let de vitnesses go? No, no. Let de vitnesses go, and mine shile in shail? Mine Cot, no."

It may be explained here that the worthy old gentleman, Mr. Olof Ankerstrom, had first visited the Marrowbone region a few months before in the hope of picking up testimony that would be of service in the trial of his son. It was his ardent desire to prove an alibi for his son Johan, and thus demonstrate that he could not have been the perpetrator of the outrage at the Bascombe place. It was his purpose also to show in court at the proper time that

Sandy Kinchen prior to the outrage had made criminating statements to his intimates, which would go far toward fastening upon him the responsibility for the terrible crime. It was with the view of hunting up testimony of this kind—and, it must be admitted, of manufacturing it if it could not be found ready made—that the worthy old gentleman had shouldered a peddler's pack and knocked about for some weeks in the locality where the crime had been committed. While thus engaged it occurred to him to make expenses, and perhaps something more, by opening up a brisk horse-trading business with some confederates north of the Ohio River who were upon confidential terms with him. He found the negro Sam loafing about with no visible means of support, and through him first undertook to suborn negro witnesses to testify in behalf of his son Johan at the coming trial. Finding him a willing accomplice he promoted him in recognition of his merit, and made him a member of the horse-stealing fraternity. The negro had on a former occasion, when it suited his purposes to absent himself a while from society, discovered the cave, and waded up the creek until he reached dry ground where he could go into camp. He revealed to the old gentleman the existence of this safe hiding place, and upon a more thorough inspection they became convinced that a horse, as well as a man, could explore the depths of the cavern. They found the niche, or side opening, which Mr. Hardrider, a promising young scoundrel, dubbed "the guest chamber;" and here when not engaged in active business they ate, slept, played cards, drank whisky, and sought in various other commendable ways to kill time.

The existence of the cave had of course been long known in the neighborhood, but no one prior to this time had been so adventurous as to wade up the swift cold waters of the creek until dry footing could again be found; and thus it was not suspected that a snug lurking place for robbers lay in the deep recesses of the hill that rose back of the opening. Now, schoolboys in summer will follow with lighted candles the labyrinths of the stream, and point you, if you be bold enough to accompany them, to the very spot where old Ankerstrom, the negro Sam, and Mr. Hardrider sat in frequent council, and planned raids upon the stables and horse pastures in the vicinity. Some stubborn people insist even yet that no horse of ordinary size could be led along the narrow channel through which the stream flows, but in reply it is only necessary for me to state that Sam Quackenboss did lead many

horses to stable by this route, and this, I am sure, with reasonable people will be sufficient to silence all controversy on the subject.

"Sam," said the old gentleman after watching the game for some moments in silence, "pass me dot plack pottle. Somehow I half dot lonzome feel to-night."

The request having been complied with, the old gentleman took an absent-minded potation and returned the bottle. "Dem vitnenses, dem vitnenses," he said. "Somehow or nutter, Sam, I haff dem vitnenses upon my mind to-night."

"You needn't," replied the negro. "I kin git you all de witnenses you want, but dat old lawyer won't let 'em go 'pon de stand."

"Ve vill fool him, Sam; and make him pleive day swear trute."

"You can't fool dat old man. I'm afeerd to try it. He'll twist honest testimony into all kind of shapes when he stands befo' de jury, but he won't tech no bogus testimony. Dat goes agin his stomach."

"Pass me dot plack pottle agin, Sam," said the old gentleman. Having taken a second drink more copious than the first he corked the bottle and sat it down beside him. The liquor seemed to depress his spirits, for he began soon to shake his head and hold forth in a melancholy way.

"Mine shile, mine poor shile in de shail. De tam lawyer took my money, and vill not let de vitnenses speak vot vould set mine shile free. He haff my money, and vill not vork for my money; dot is not pizness. Oh, mine Cot, dese lawyers, tese lawyers, tese tam rascakly lawyers. Tis man Perlaffer, Sam, he is one tam scer-roundrel."

"You and him for dat," replied the negro. "I ain't gwy fool wid him."

"He take my money to free my shile," continued the old man, "but do he free my shile? Mine Cot, no. My money in his pocket, and mine shile in de shail; dot is not pizness. Pime-py, he say to me, pime-py your shile be free as te pird dat fly, and fly, and light vere he tam please. Pime-py, pime-py. Mine Cot, I haff vait, and vait, and pime-py haff not come allretty. De vitness for to hang your shile, he say, vill not pe on hand next time. Mine Cot, ven de next time come de tam vitness he is on hand. Pass me te pottle, Sammy."

"Pass him the jug," said Mr. Hardrider. "Let him fill up and be done with it."

"Dar's de bottle right by you," said Sam. "Help yourself."

The old gentleman again raised the black bottle to his mouth and swallowed a liberal portion of its contents. When he had replaced it by his side he eyed the card-players for a few moments in silence, then he accosted them with an air of half-tipsy gravity:

"Shentlemen, I vish to say something."

"Say on," replied Mr. Hardrider. "Two and two, and my deal, Sam."

"Shentlemen," continued the old man, "dere is a person in dis country vot makes himself too busy vid vot don't concern him. His name is—ah—his name is—ah—Perryerson. Vot you call?"

"Pearson," said Sam. "Ran Pearson, dey calls him. He got a pooty good 'oss, but de stable do' is double locked, and dar's a bull dog dat prowls round de place constant. I trumps dat ace, sho."

"Tam te 'oss, and te pull tog, and te ace," said the old gentleman.

"Wot den?" inquired Sam.

"Dis man—vot you call?—Perryerson, he too tam busy vid vat don't concern him. He haff de vitnasses at coort de last time, he vill haff dem dere de next time. My lawyer say no, I say yes. Py te plood of te prophets, I say yes. He vill haff te vitnasses on hand, dis man Perryerson. Mark dat, Sammy. Mark dat, Artriter. Tis man vill fetch vitnasses to de coort to hang mine shile. He is a tam scer-roundrel."

"Meb-be so," replied Sam.

"I vish he vos dead," said the old gentleman.

"Amen," cried Mr. Hardrider.

"Shentlemen," continued the old man, regarding the two gamblers more narrowly than might have been expected from one in his seemingly inebriated condition, "if dis man Perryerson vould mind his own pizness my shile vould pe free terreckerly. Tink of dat."

The two men played on in silence.

"If he vos tead," the old gentleman went on, "mine poor shile vould pe free terreckerly. Mine shile, mine shile, he vould pe free as te 'appy pird."

"Won't do," said Mr. Hardrider. "I'm in the horse-trading business."

"I've tried my hand at fust one thing and den anudder," said Sam, "but I never has kilt anybody yit."

"Dot is right," said the old gentleman. "Stick to dat, mine frients, and you vill pe angels pime-py, mebbe."

As it was now growing late the old gentleman laid himself down upon a blanket spread a little way off from the fire and fell asleep. A clear conscience and good digestion are excellent aids to slumber, and it is to be presumed the old gentleman possessed both of these, for he soon began to snore vigorously.

Mr. Hardrider and the negro played on with varying luck until past midnight. Sometimes they were intent upon the game, sometimes they allowed themselves to be beguiled into conversation on miscellaneous topics. They arranged the details of the following day's expedition by which it was hoped to bring the slim race horse to comfortable quarters in the cavern, where he might keep company with Dandy Jim. They touched once or twice on the subject which the old gentleman had last introduced, but this in very low tones for fear his snoring might be simulated. When they at last abandoned the game the negro was a few dollars ahead, and Mr. Hardrider a little worse off pecuniarily than when they began to finger the cards. He was naturally light-hearted, though, and it would have taken a very heavy and persistent run of ill luck to depress him.

"Damn the difference," he said to Sam before retiring. "I just play anyhow for the excitement of the thing."

"Me too," replied Sam, tying the evening's winnings up carefully in a rag.

"I never tried life in a cave until I was sent down here to help out the old man," said Mr. Hardrider, "and I find it lonesome as the devil. I've read 'Jack Sheppard' through three times in the last week. If I stay here much longer I'm going to get me up a library."

"Dat's past me," replied the negro; "I can't read."

"I ain't even allowed to sing," continued Mr. Hardrider, "for fear the sheriff will come in to listen. All I can do for amusement is to play cards, and somehow I have hard luck at that. If I play with you you make a pretty good hole in my pile; if I play with the old man he takes it all."

"Luck will change, luck will change," answered Sam, striving to comfort his friend.

"Oh, damn the odds," said Mr. Hardrider cheerfully. "It would all go in a lifetime anyway. Old Vanderbilt had to leave the world, and didn't take a dollar with him. Rain, shine, good luck, bad luck—'twill all go in a lifetime, Sam."

With this cheerful reflection the young horse-trader untied his shoes and laid down to rest. Sam followed his example, stretching himself at length on a different pallet. They too must have been favored with sound digestion and clear consciences, for soon they were wrapt in deep sleep, and nothing disturbed the silence of the cavern but the snoring of the old man and the occasional stamping of Dandy Jim as he pined in his rather lonely stable.

## CHAPTER XIX.

THE OLD FARMER ATTENDS A BUSINESS MEETING OF THE K. K. K.,  
AND HEARS SOMETHING NOT TO HIS ADVANTAGE.

THE fox that hid in the cedars on Dead Man's Knob was disturbed by another gathering of human creatures at that secluded spot. Again the Grand Cyclops donned his ghostly robe; again some applicant for admission into the klan stood before him and the mummerly of initiation was gone through with. But the klan had business of more importance than the mere admission of new members into a society which was already sufficiently large to accomplish the purpose for which it had been organized. To-night the grave question to be discussed and decided was whether the time had arrived when the midnight murderer of a good old woman in their midst should be taken by force or stratagem from the authorities and held to account for his monstrous crime. Nearly a year had elapsed since the flames from the burning Bascombe home lit up the sky and the neighborhood about the place. A full year would have elapsed before the brute who committed a cruel and causeless murder there could be arraigned to answer for his deed. More than this, after three times visiting their county seat to testify against him the witnesses familiar with the facts must now be dragged to another county town—a full day's journey from their homes—before they could be heard to tell their plain tale in court. That there should be indignation among the good folk of the Marrowbone Hills was natural. That they should fail to understand why the authorities proceeded at a snail's pace to bring a heartless scoundrel to settlement, and apparently befriended him in his effort to shirk investigation, was natural. The blood of old Granny Bascombe cried aloud from the stained earth for vengeance, and good men and women fretted over the fact that it had cried so long in vain. Good men and women fretted over the fact till wrath and indignation took possession of the community, and many there were who censured the secret or-



ganization that had been instrumental in snatching a murderer from the hands of those who would have visited swift punishment upon him and placing him in a situation where, they were convinced, not even tardy justice would ever reach him. That such an organization existed in the community was well understood, though the individuals that composed it, its meeting place, and even its objects and purposes were altogether conjectural.

Again the circle was formed on Dead Man's Knob, and when a few novitiates had been duly installed members, the tall Grand Cyclops announced that the Ulema, or court of the order, would convene. The three judges gravely took their seats on the flat stone against the bluff and listened to arguments and appeals for action in the case of the murderer, Johan Ankerstrom, alias Cross-eyed Jack.

Many members addressed the court, some in a rambling way, some much to the point. All the speakers without exception urged that something must be done. Even those who at the last meeting had advised against interference with the public authorities now admitted that the limit of patience had been passed, and that if the murderer could be wrested from the jail where he lay he should be brought at once before the klan for trial.

The Grand Cyclops, whose appropriate figure and grave deportment had made him the head of the order, delivered on this occasion a few impressive remarks. The objects of the order, he reminded the august tribunal before him, were threefold. First, by promptly taking charge of persons suspected of grave crimes to prevent mob law, which from excitement and lack of method often punished the innocent, and which tended to encourage rather than check those prone to disorderly acts. Secondly, to turn these suspected persons when arrested promptly over to the authorities, and to aid the authorities in bringing them to speedy hearing so that justice in each case might be promptly and openly done. Thirdly, where the authorities failed, after reasonable time had been allowed to bring any offender to open trial, then the klan should resume its control over such offender and deal with him as right and justice might demand. These objects, said the Grand Cyclops, addressing the Dreadful Ulema, were all such as law-abiding citizens could not fail to approve of. Rash and furious mob law, striking blindly after a grave crime had been committed, could not be justified by any right-thinking persons. In a community where there were court-houses and courts, the opportunity to deal with

flagrant offenders should always be given the public authorities before outsiders would be justified in interfering. But crime must be punished, society must be protected, old women and young girls must be allowed to retire to rest at night without fear of molestation. If the proper authorities could not afford the necessary protection, good citizens must band together to aid the authorities; and if aid was not sufficient to attain the desired end then good citizens must assume the entire responsibility, and by punishing guilty persons protect themselves and their neighbors from further outrages. The time had now come, the Grand Cyclops maintained when the klan having relied on the law long enough should resume charge of this man, Ankerstrom, and administer justice to him. He had not given the poor old woman whom he roused at midnight time to say her prayers before he murdered her. The klan should not follow such a ruthless example as that, but the good people of the vicinity should be given to understand that if there was not strength enough in the courts to punish such monstrous crimes, there was strength enough in a voluntary society, organized for the purpose of maintaining peace and good order in the community. It was preposterous to say time enough had not been allowed for the courts to make a thorough investigation of the grave case before them. The speaker knew nothing of the technicalities of the law, but taking a common-sense view of the matter he would say that where monstrous crimes were committed prompt trial and punishment must follow, or the whole effect of visiting the consequences of crime on the offender would be lost. The law as now administered was certainly a failure. Maybe it was nobody's fault, but the fact was the law was a failure, and the question remained as to whether there was any power anywhere to punish crime.

The Grand Cyclops, a plain young farmer, undoubtedly voiced the sentiment of those present when he urged that speedy action be taken in the Ankerstrom case, and that the courts should be no longer relied on to deal with the murderer. Others followed along the same line, and Teddy McIntosh spoke vehemently as usual.

"Why, look a here," Teddy argued, "are we ever going to do anything about this business or not? If we are it's time we were about it; if we ain't let's disband and go home. What have we done since we organized this klan to right things about here? What have we done, most Dreadful Ulema, what have we done? We've traped around over the country in our shirt tails, so to

speak, and skeered a few niggers out of their wits, but have we put a stop to the villainy that's going on around us? When was there ever such a state of affairs in the Marrowbone Hills as there is right now? A good horse stolen on court day right under the nose of the judge, and Billy Metcalf's fine race horse took out of his lot one night last week. This together with a whole lot of other devilment not worth while to name. What are we going to do about it? Why, if it please the Dreadful Ulema, the lawyers and the judges in the court-house couldn't dilly-dally worse than we've done. This is putting it pretty strong I know, but I leave it to all the members of this klan if I ain't right? We banked a heap on mystery when we first organized. This Brotherhood was to be so secret, and keep things so dark, that everybody around would stand in awe, and folks would only know there was such a society as ours when they found the mighty things we'd done. Well, sirs, now how does the matter stand? Which side has got the mystery with it, if you come to mystery? A horse took in the broad open daytime, not two hundred yards from the court-house, with court in session and a thousand folks in town. Who took that horse, and where was he carried to? Smuggled out of the country by some sort of hocus pocus, and the smartest man in the Marrowbone Hills couldn't say when or how. They waylaid the roads, and the horses hadn't left by any road. They sent off telegrams, and the horse hadn't been seen at any of the places where a thief would have been likely to take him. So it is with Billy Metcalf's race nag. We've scoured the country up and down, far and wide, and if that critter is on top of the ground we can't find him. One thing is certain, though. One thing is certain. The scamps that are putting up jobs like this ain't much afraid of the law. They ain't much afraid of any kind of law. Court-house law, and K. K. K. law, they snap their fingers at all of it. It's time somebody was hung, I tell you. It's time somebody's neck was pulled. If we get the right man, amen; if we get the wrong man, better than nobody at all. Why, look a here. I slept last night in my stable loft. What for? Because I didn't want my saddle horse took, that's why. He's a good horse; sire, Autocrat; grand sire, imported Imp; got a pedigree long as my arm, and I couldn't afford to have him took. That's the reason I slept in my stable loft with a shotgun for company. I'll tell you another thing too. If a horse thief had come about my stable neither them fellows at the court-house nor this here Dreadful Ulema would have been

bothered with his case. Not bothered at all, gentlemen; not bothered at all, I give you my word. Look at old Granny Bascombe's case too, will you? Good old woman, kind-hearted old woman, Christian woman. Knocked in the head like a dog, and everybody knows who killed her. How long has it been since she was knocked in the head, and everybody knowin' who killed her? Close on to a year. What's been done about it? Not a thing in the world. First a whole lot of witnesses, young and old, men and women, sick folks and well folks, had to go before the grand jury. So far, so good. Next the same crowd, young and old, men and women, sick and well, had to march back to court to tend the trial. They laid the case over to next term. Too much excitement, they said. Oh yes, too much excitement. Cross-eyed Jack couldn't be tried while excitement was up; not by no means. So they laid the case over, and one more time everybody, young and old, men and women, sick and well, had to traipes to town to tend court. What then? Was they allowed to tell their tales and git back to their homes? Oh no, by no means. Excitement being still up, the case must be laid over again, and not only so but set for trial next time in another far-away county where it'll be hard to get the witnesses to tend. Nobody in all this here county fit'n' to set on the case of Cross-eyed Jack. He must be tried in a dead calm, and before strangers, if his lawyer ever makes up his mind to have a trial at all, which ain't likely. Well, I don't know how it is with this here Dreadful Ulema, and the balance of you fellows, but I'm tired. Some'pn' ought to be done, and I'll just be dad burned, ladies and gentlemen, if I haven't got to the p'int where I'm ready to say somep'n's got to be done. This here klan was got up to help out the courts, and it looks like some other kind of a klan will have to be got up to help out this here klan, and this here Dreadful Ulema. Nobody in all this here county good enough to try Cross-eyed Jack; oh no, nobody at all. And this here klan, and this here Dreadful Ulema, they ain't ready to take up the case of Cross-eyed Jack as yet. Oh no, we must wait, wait, wait. Cross-eyed Jack is a gentleman of such quality that he can only be tried in a dead calm, and before strangers, and when he's ready. We've waited a year, but that don't matter. We must wait another year, and if that ain't sufficient we must wait his convenience. Well, I for one am tired of waiting, and I'm ready to take up the case right here, right now. I want to see the case of Cross-eyed Jack, alias Dutch Ankers, alias all-round infernalscoundrel, go off the docket.

I want to give him a free pass to another world right away. I'd rather send him off by the rope route, but if that can't be done then by the pistol route, and if we can't fix it any other way I'm willing to hire the jail cook to pizen him. I tell you I mean business about this thing. It's come to the pass in this country that rascals don't fear the law, and honest folks don't depend on the law, and that's a bad state of affairs. It's a bad state of affairs, I tell you, and some'pn' ought to be done about it, and done quick."

No stenographer was present to take down the scattering remarks of McIntosh, but the above will give a pretty accurate idea of what he said and how he said it. On the whole he voiced the sentiment of his brother members, though many of them would have expressed themselves in a different way. The Ulema, or high court of the order, however, still operated as a check upon the more impulsive members of the clan. Pearson, after listening calmly to all that had been said, declared gravely that while the procrastinating methods of the law were exasperating, the time had not yet arrived when violent interference with its process would be justifiable. In the opinion of himself and the two other members who constituted the judicial tribunal of the order, to take a man by force from the custody of the civil authorities, and deal with him for his transgression, was a very serious step that would only be justifiable in an extreme case. The speaker did not deny that perhaps it would have been better not to have delivered Ankerstrom to the custody of the law. The accidental presence of the sheriff partly occasioned this, and the speaker himself had favored it at the time, but possibly in the case of so flagrant an offender it might have been better if the klan had dealt with him as he deserved. Now, however, the situation was changed, and no violent action should be taken on the part of the order as long as there was hope that justice would be administered through the courts. Especially at this time, Pearson insisted, it would be unwise to interfere because there was every assurance that the accused after long delay would be forced to trial at the next term. The State's attorney had avowed that there was no legal quibble by which a hearing could be postponed beyond the next term, and the judge had practically so announced from the bench when the change of venue was granted. Therefore the duty of the brotherhood was to exert every effort and have all the witnesses present when the court assembled. When the case was heard in open court the facts on both sides would be brought out, and the members of the Ulema,

being present, could then for themselves determine whether the accused had any sort of defense to the grave charge against him. If he had none then no technicalities of the law would be permitted to shield him from punishment or to put off much longer the hour when he must pay the penalty of his crime. Under the circumstances the order must wait patiently and give the law one more chance. If there was interference now it would be said that the court was just about to dispose of the case when the mob took the matter out of its hands.

"What if there's another postponement instead of a trial?" asked a member of the brotherhood when Pearson had announced his decision.

"We will then meet and determine what is our duty," was the calm response.

When this matter was disposed of the Ulema adjourned and a discussion followed upon the mysterious disappearance of horses from the community, which had become of frequent occurrence lately. The puzzling thing about these robberies was that no man could tell to what part of the country the animals were taken, or how they were gotten without detection out of the neighborhood where they were known. None but good animals were taken, and the thieves seemed to be operating upon a prearranged plan that baffled the authorities, and even the members of the order. Upon the subject of these depredations Pearson expressed his opinion.

"It is quite evident," he said, "that this is not the work of negroes; at least that negroes are not planning and managing this systematic scheme by which our best horses are being secretly run out of the country. It is evident also that this is not the work of common clumsy thieves. So far we have made little progress toward discovering the perpetrators of these frequent crimes, but we have one clue that followed up may lead to important disclosures. At our last meeting several members spoke of the presence of an old jewelry peddler in this locality whose conduct was thought to be suspicious. It was an old white man claiming to be a book agent that stole Templeton's horse from Major Habersham's stable. He seems to have had a negro partner, but it was the old white man that put up the job. It was an old white man claiming to be a farmer that stole Miss Sue Bascombe's horse at the last term of the court. These three individuals were all foreigners, all getting along in years, all slick

scoundrels, and I am convinced they were all one and the same person. The thing to do is to catch the old scoundrel, who has many disguises, and who seems to be in hiding round here somewhere."

"And the next thing to do is to hang him to a limb," interrupted Teddy McIntosh.

"If we catch him," answered Templeton, "I will agree with you that he should first be brought before the klan and his subsequent disposition then determined."

"No court-house law for him," said McIntosh.

"We'll deal with him promptly; I promise you that," was the reply. "But the first thing to do is to catch him. Now, I'm convinced this gang of scoundrels has a regular hiding place somewhere in the Marrowbone Hills, and that this hiding place is sufficient in size to secrete both horses and thieves after a robbery has been committed. They keep the horses hidden here until we have quit searching for them, and then they slip them off quietly to some distant market and sell them. This old jewelry peddler who plays farmer and Bible agent, and who is sharp enough to fool Lee Templeton and Uncle Davy, is the head of the gang, and by keeping a sharp lookout we can catch him. Let every member then keep his eyes and ears open, and let the Grand Cyclops appoint some of our men to watch the roads every night. A dozen good men can watch almost as many different roads, and we can take it turn about discharging this duty."

"I say," remarked Mr. Teddy McIntosh, rising to address the assemblage, "if I lay hands on this here old jewelry peddler, Bible agent and farmer, there'll be no courts for him, and no Dreadful Ulema, neither. I'll save all that trouble, I will."

"No," replied Pearson, "you must not do anything against the rules of the order. If you catch him bring him to us, and we'll deal with him promptly. Have no fear of that."

"No more courts?" asked Teddy dubiously.

"Bring him before the klan; an hour or two will be all the time needed to look into his case. If his guilt is clear, and the klan says so, we'll make an example of him. Desperate diseases require desperate remedies."

"That's the talk," replied Mr. McIntosh. "Proceed on that line, and we'll stick to you."

The members of the K. K. K. quietly dispersed, each going his separate way, and the stillness of night again reigned on Dead

Man's Knob. When all had dispersed, and a half hour had passed without sign or sound from any creature, a human being crawled from the dense thicket of cedars and stepping softly across the open space took his seat on the flat stone where the members of the Ulema had sat. He was of diminutive stature and alert in his movements, though even in the misty starlight gray hair could be seen straggling from beneath his close black cap. He sat on the stone a while shaking his head and gesticulating with his hands as he muttered in an undertone to himself.

"Von hour, hah? Von hour vill be sufficient, hah? Mep-pe so, mep-pe so. Ven dey gits te ole man dey vill make short vork vid him. Hah, yes, yes, yes; no toubt. Ven dey gits him, ven dey gits him."

He gesticulated a few moments in silence, shaking his head vehemently the while.

"Tat man Perryerson is te pig tog. Te oders is leetle bups, shust leetle bups. Ven Perryerson go, te whole tam pizness go. Shust von hour for te ole man—ven dey gits him. Vell, vell; vell, vell. Mep-pe pime-py terreckerly dey vill git him."

There came a slight disturbance, perhaps from some night prowling animal, and the old man slipped softly away from the stone and was gone. His retreating footsteps gave back no sound as he picked his way in the darkness down the steep side of Dead Man's Knob.



## CHAPTER XX.

## THE EXCITING ADVENTURE OF SAM QUACKENBOSS AND MR. HARDRIDER WITH TWO HOBGOBLINS ON THE HIGHWAY.

SAM QUACKENBOSS curried the race horse down, while Mr. Hardrider sat on the ground near by nursing his knees and regarding the labor of the African with satisfaction.

"Touch him up a little under his flank," said Mr. Hardrider.

"Dat's a ticklish place," answered Sam. "Dis here hoss is high-mettled. I lay he kin outrun a skeered deer, and I know he kin kick high, bekase he done flung his legs a time or two at me. I dunno how I'm gwy keep company wid you to-night nohow. De yudder hoss is a saddler; holds his head high and moves stiddy. Dis here nag have got three pooty good gaits, and dat's all. He kin walk springy, he kin lope kinder like a rabbit, and he kin run like hell. Dat's him."

"I'll make him go all three of his gaits to-night," said Mr. Hardrider, "so put him in good trim."

"Ain't I doin' it?" answered Sam. "But don't you lope off and leave me to-night. I axes dat much of you right now. De ole man he kinder got me out'n my line, but still I'm gwy 'bey orders. My line is to curry and feed and git pervisions by fust one play and then anoder. I kin open a stable do', and lead a hoss out too. Dat's in my line. And I kin climb up on de hoss and ride him to dis here place, and tole him up de creek ef he's a notion to hang back. All dat I kin do. Rubbin' and curryin' is in my line. Short rides is in my line. Wadin' de creek is in my line. But dese here all-night trips astraddle of a lively hoss, dat ain't in my line. Dat ain't in my line, mind you, Mr. Hardrider, but de ole man say so, and I'm gwine."

"The old man's badly rattled," said the white robber. "I never seen him in such a fix as he was last night."

"Dis mornin' you better say. 'Twa'n't lackin' much of day, I tell you, when he come in. He was dead tired too, like he been

runnin' most of de way from somewhars. He never even took off his breeches when he wade de creek, but come in de guest chamber wet as a rat and all in a fume. He shuck me, he did, and say, 'Vake up, vake up, Sammy, tere's hell to pay.' I done heerd him a comin', so I riz, and sot up, and ax him for to 'splain hisself. He flourish wid his hands like he always do, and say, 'Git te tam 'osses retty, and move vid tem from tis tam ole in te ground.' I say, 'When? Right now?' He stamp his foot and say, 'To-night, to-night, you tam fool. Tell Artriter. You and him git retty. Ve must move; ve can not wait.' I say, 'What's up?' He say, 'Pime-py I tell you. You and Artriter git retty to take away te tam 'osses.' Wid dat he tumble down on his pallet and cuss a while and fidget a while, and den he fall fast asleep; and he ain't gwy wake up till I gits breakfast and shakes him."

"Well," muttered Mr. Hardrider, "I don't know what's up, but I know I'm damned glad to get orders to move. I've lived in here so long I feel like a mole. I blink like an owl when daylight strikes me. I shouldn't wonder if we had fun to-night, Sam, and I hope we will. Anything for excitement. Maybe I'll pass in my checks, and have done with this here cross-grained world before the stars quit shining to-night, but damn the odds. Sooner or later I've got to go, and so it don't matter much when. Give me excitement while I live, that's my motto, Sam."

"S'pos'n' dey nabs us?" said the negro.

Mr. Hardrider rose to his feet and slapped himself upon the breast. "Here's a gentleman they'll never nab," he remarked to Sam.

"Me nuther, den," replied Sam. "But look a here, Mr. Hardrider, don't you never leave me. You rides de race horse, mind you, and I rides de saddler. Whatsomever comes don't you leave me."

"Wouldn't that be ungentlemanly?" inquired the gallant highwayman.

"Yas, sir, 'twould."

"If it comes to a tussle wouldn't there be more excitement in staying than running away?"

"I suppose dar would."

"Then count on my staying by you," replied the gallant highwayman. "I'm not the man to do an ungentlemanly act, and I long for excitement."

The most exciting thing immediately ahead was breakfast, and to this the two cave dwellers were soon applying themselves with relish. Sam was a good commissary, and when he had the whole country to fall back on, and as a rule nothing to pay, it is hardly necessary to inform the reader that he kept a well-stocked table. Fried chicken, potatoes, hot corn bread, and coffee are ever welcome to the hungry soul, and Mr. Hardrider and Sam did ample justice to these satisfying edibles. When they had finished, Sam, being a prudent housekeeper, raked up the chicken feathers and consumed them in the fire. "No use to leave no signs," he said to his companion. "When we all gits away from here what chickens we hain't et up I'm gwy turn loose in de woods. I'm gwy scrape dis here guest chamber so clean that a pusson s'archin' round atter we done gone would think somebody had got up a dance in here. Dar is always folks, you know, gwine way back under de ground, and fiddlin', and gittin' up dances."

"Next time I dance, please God," said Mr. Hardrider, "I hope to dance on a floor with a fine chandelier overhead, and plenty of fresh air coming in at the windows. Don't talk to me about going away back under the ground and lighting a candle to dance by."

"Still dey is folks what does dat," said Sam, "and I'm gwy fix things in here so if anybody else finds de place they'll think picnickers been round. Dey never will s'picion dat horse-traders been usin' dis for dar headquarters. I can't clean up all de signs and smooth over all de ground so as to make like nobody been in here; but I kin fix it so as to make like picnickers been in here. I kin clear out all de horse-tradin' signs, and I'm gwy do it."

The old gentleman slept well. He did not stir until nearly mid-day, and would not have roused then if Sam had not given him a vigorous shake and told him breakfast was ready. He rose briskly at this and gulped down his coffee and bolted his food as if he had fasted for many hours. When he was through he entered at once upon the subject uppermost in his mind.

"Git retty, Sammy, git retty. You and Artriter must git away. Ah, mine Cot, yes, yes, ve can stay no lonker. Ve must leave te tam place. Ven you gone I go too. Pe sure, pe sure, I vill not stay by mineself. Shust a little vile, tat's all."

"What's to pay?" inquired Mr. Hardrider.

"Te tevil's to pay, tat's all," answered the old gentleman.

"Vat to pay, you say? Vell, I tells you. Last night I vent to te meetin' uff te Kukerklux."

"Done which?" inquired Mr. Hardrider, in some surprise.

"Vent to te meetin' uff te Kukerklux. I haff shined te pand vot dey call te Kukerlux, and last night I vent to te meetin'. I vos dere allretty befo' te oders, and stayed till te oders left, so I'fe cot te whole tam thing. Te Kukerklux tomfoolery doin's I kin tell it all to you, s'help me, but I haff not time. I haff time to tell you vone things, and I will tell you tat. Listen to me speak, for meppe you would like to hear my vorts. Vot I zay ten? I zay tis, and you mind my vords, Artriter; you mind my vords, Sam Kervack-enparse."

"Don't call me dat," remonstrated Sam. "You hurts my feelings."

"Ver' coot, ver' coot ten; I vill not hurt your veelings. I vill tell te tale, and hurt no shentleman's veelings. I vill speak plain so any tam fool can understand. I vill speak plain, hah. Vell den last night, you understand, I vent to te meetin' of te tam Kukerlux, vat you call. I vent early so to git a coot place. I hid in te pushes. I lay me flat same as von tam ground skeverrel on te fence rail, hah. Pime-py terreckerly here tey come; vone, two, teventy, fivty. Te shentleman, te coot man vot you call Perryerson, he te pig tog. Te palance is little bups, shust leetle bups. Tey park, and park, but it signify noting. Te shentleman, te coot man Perryerson, he up and tell dem somedings. He zay, te coot man do, dat dere is von ole man in tese parts vat need to be enkevired uff. Tis ole man sell Piples, and steal 'osses; tat's me. Tis ole man vot he speak uff likewise tress like te farmer, and steal 'osses; tat's me. Ven dey gits te ole man vot is me tey vill srving him to te limb in vone hour; tat's vat tey say. No courts for te ole man; no shury fur him. No lawyer fur to plead his case. Ven they gits him, mind you, he srvings like a tog; srvings like a tam tog; ven tey gits him. Shust so, shust so. Vell, vell, no matter fur tat. Te coot man Perryerson likewise zay tere is von tam nigger vot keep company vid te ole man. Ven tey gits tis nigger vot vill tey do to him? Tey vill skint him alive, so te coot man Perryerson zay."

"Name o' de Lord!" ejaculated Sam.

"Te name o'-te Lord vill not safe te nigger ven tey gits him, and te coot man Perryerson zay he vill haff tat nigger tead ur alive. He vant tat nigger uxspecial, te coot man Perryerson do.

Ah, he is a coot man, he is a ferry coot man, tis Perryerson shentlemun. Vere is te plack pottle? I vill trink to his helt. I vill, s'help me."

They passed the black bottle to the old gentleman and he raised it to his mouth. "May he liff long and perrosper, tis coot man Perryerson," he said before refreshing himself.

"May he go to the devil this week," interrupted Mr. Hardrider.

"Amen to dat," proclaimed Sam.

The old gentleman shook his head. "He is a coot man, tis Perryerson. But listen vat funder he zay. He zay tey haff vatch at te wrong time. Tey vatch too kervick. Te ole man vot tey vill hang to te limb, and te tam nigger vat tey vill skint alive, and te oder vite man vot is vuss tan all——"

"Did they name me?" inquired Mr. Hardrider, with some anxiety in his tone.

"Tey name no names," replied the old gentleman. "But tey say te robbers keep 'osses hid someveres for von week, two week, till te beoble stop loking; ten tey run te 'osses away, clean away from te coountry. Tat vat tey zay. And tey zay tey vill bekin right away and vatch all te roads all te time, so tat no man git away vid a 'oss. Tey zay tey vill vind te ten uf te robbers, vich tey know to pe in te Marrowpone 'Ills. Tey vill vatch all te roads all te time. Tey vill hang to te tree te ole man vot sell Piples; tey vill skint te tam nigger alive; and vat tey vill do to te udder vite man vill pe vuss tan all. So poys, luke out."

Mr. Hardrider drew all the loads from his pistol and supplied the cylinders with fresh cartridges. He packed up his belongings in a small bundle, and made ready to leave the country for an indefinite period. When he had completed his arrangements for departure he laid down on the ground close to the lantern and fell to reading "The Life and Adventures of Jack Sheppard," with which thrilling romance he entertained himself for nearly the entire remainder of the day.

The old gentleman stirred about a good deal. He and Sam hid in the depths of the cavern many tell-tale articles which they did not wish to destroy, and which could not be conveniently carried away. All signs of recent occupation were obliterated as carefully as possible. It was understood that the old gentleman would remain in the vicinity a day or two longer, so as to catch any fresh news that was stirring, and then would meet his friends at

a designated spot in another State, where the business of the season would be wound up by a fair settlement. The old gentleman seemed to be somewhat moody over leaving his apartments, and indulged but little more in conversation during the day. Once when he and the negro had sat down on the ground for a resting spell he remarked gravely to the latter after a considerable interval of silence:

"Sam, tat man Perryerson is a coot man."

The negro nodded, but made no verbal response.

"May he liff long and perrosper," continued the old gentleman.

The negro nodded again.

It was about ten o'clock by Mr. Hardrider's accurate time-keeper when he and Sam Quackenboss made ready to mount and set off for distant parts. The old gentleman accompanied them as far as the bank of the stream, where he gave them his blessing and let them go. The negro here took off all his clothing except his hat, which Mr. Hardrider advised him to keep on for appearance' sake. Strapping his raiment firmly to the saddle he led the larger horse by the bridle, holding a lantern in his right hand. The white robber came behind mounted on the slim racer, which followed in much trepidation, but without urging, close on the heels of the other animal. They made the many slippery windings in safety, and when they reached a point which Sam knew was on the verge of the outer world, he extinguished his lantern. Proceeding a short distance farther he came to the mouth of the cave, and here he stood on a large rock in the middle of the stream and rehabilitated himself. Climbing into the saddle he maintained the lead until they reached the stony road that crossed the stream a few hundred yards below the cave. Here the two men halted for a moment, and Sam, in a whisper, proposed to his companion to take a drink, saying he was cold.

"Ten mile away from here there's a spring," replied Mr. Hardrider, "and we'll take a drink there, Sammy, if we ever get there. Till then not a drop goes down my throat."

"Mine nother, den," responded Sam in a shivering whisper.

Mr. Hardrider here took the lead, being familiar with the route. Wherever the way was broad enough Sam rode by his side, and when this could not be conveniently done he dropped behind. When they got away from the timber and into the open country they found it was a bright starlight night and pleasant as one

could wish. There were several houses along the road, and by these they passed as quietly as they could, like gentlemen who were in no special hurry. Between these they rode faster, but there was nothing in the gait they traveled to indicate flight. By and by they came to a long lane, with a broad field on either hand. Mr. Hardrider had always considered this a critical part of his road, for there was little hope of escape in case of interruption. Just before he entered it he drew rein and whispered to Sam:

"If anybody tries to halt you here, clap spurs to your horse and ride right over him. It's forward or backward in this place, and if you turn back they'll kill you sure."

"All right," responded Sam in a voice that was low, husky, and tremulous. Perhaps he trembled from apprehension; perhaps he was still chilly from exposure in the creek; perhaps both causes combined to make his nerves unsteady.

They proceeded without adventure for a half-mile or so, and Sam was just congratulating himself that the danger line was passed, when a tall figure, dressed all in white, rose up by the roadside, and another figure, dressed in black, rose up on the opposite side of the way. The figure in white was astoundingly tall, and his eyes beamed more luminously than those of an owl in the night. The figure in black, of shorter stature, began waving his arms and hopping up and down in the road as if he was making ready to fly. Neither spoke, and their unaccountable behavior was calculated to astonish anybody.

"Oh, Mr. Hardrider, it's de Ku Klux," cried Sam in the extremity of his terror.

The highwayman did not respond to his companion nor undertake to hold converse with those in front of him. Instead of this he leveled his pistol at the head of the tallest individual in front of him and pulled trigger. At the flash and the report he clapped spurs to his steed, and, dashing like lightning between the white spook and the black spook, went down the road as fast as the flying feet of the racer could take him. Sam endeavored to follow suit, but to his unspeakable terror he saw as he advanced that the head of the white spook had been knocked off by Mr. Hardrider's pistol shot, while the body and legs were still cavorting about in the road. Staying no longer to question he rolled from his horse, leaped the fence on his left, and fled the scene of action. Two or three shots whizzed over his head, but none

came near him, or if so he was too badly frightened to take note of them. He ran till he was out of breath, then rested a while, and rose and ran again. When he had recovered his scattered senses he bent his way more deliberately toward the hiding place he had just left, and from which he knew the old man had not yet departed.

Meanwhile the animal he had deserted in such unceremonious fashion wheeled in the road and would have made back in the direction from which it had come but that the tall spook—not minding the trifling accident of having lost its head—rushed forward in haste and seized the bridle rein. It was, as has been said, a starlight night, and objects near at hand could be discerned with tolerable distinctness. When the headless ghost had laid firm grip on the rein and consumed a second or two in inspecting the captured horse, he cried exultantly to his companion in black:

“Dandy Jim, by Jupiter.”

The voice that made this announcement was the voice of Teddy McIntosh, though the stature and general make-up of the individual hardly seemed to be that of a human being at all.

“Where’s my head?” inquired the spook that had appropriated Teddy’s voice. “Look up in the fence corner there for it, will you? That fellow shot it clean off.”

The fact is, Teddy and his companion, a member of the klan, had been assigned to duty on that particular road, with instructions to halt and inquire into the business of all travelers who might pass their way. Desiring to mix a little fun with more serious duty they arrayed themselves in ghostly garbs, and resolved, before bringing any approaching person to a halt, to cut a few such capers in the road as would be calculated to profoundly impress the wayfarer. Teddy supposed this would, of course, lead to inquiry from the advancing party, and mutual explanations would follow. He was armed and had his pistol in his hand, as did his companion in black, when the two horsemen came down the lane, but when Mr. Hardrider unexpectedly popped away at him, and then charged down upon him, he was for the moment disconcerted. The loss of his pasteboard head was a small matter, but the bullet came uncomfortably close to his real scalp, indeed plowed a slight furrow in his cranium, and this for the instant put him out. His friend in black fired at the gentleman on the race nag, and also at the negro as he leaped the fence, but neither shot took effect. Teddy, as soon as he came



to himself, also opened up, but with little hope of doing anything more than making a racket. It was evident they had let two bold horse thieves and one horse get away; but as the fruit of the encounter they had saved Dandy Jim, and this to Teddy's mind was a great deal. He left his companion to stand guard the remainder of the night, being convinced that no other exciting adventure would befall, and, mounting the captured animal, set off at once for the residence of its lawful owner, Miss Sue Bascombe.

He had ten miles to go, but he reached his destination before day, and sent in word to the young lady, as soon as anybody was astir, that he had Dandy Jim safe and sound at the front gate, and she could come down and take possession if she was a mind to.

Miss Sue came down without devoting overmuch time to her toilet, and having thankfully received back her own, invited Mr. McIntosh to breakfast. The young gentleman, after washing his face and hands, was of course obliged to relate the moving incidents of the night, and it goes without saying that he had an attentive auditor. Miss Sue was very fond of her horse, and she seemed to be very much obliged to the young gentleman who had rescued her horse from the clutch of the robber. She laughed when Teddy told her about getting his head shot off, and she expressed admiration for the stranger when she learned of his sudden onslaught and successful dash for liberty.

"Why, he's a bold fellow, Teddy, this robber is," she said. "I'd like to know more about him."

"I don't care to know much more about him," replied Teddy. "I came very near knowing too much last night. Look where his bullet grazed my head."

She examined Mr. McIntosh's head as he held it down for inspection. There was a bruise where the missile had touched the skin.

"You should have shot first, Teddy," said the young lady when she had completed her investigation. "It was thoughtless of you to play ghost in the road with a robber in front."

"I know it was," answered Teddy.

"But I thank you ever so much for bringing Dandy Jim back, and I won't forget you for it, Teddy."

"Till when?" inquired the young man rather ungrammatically.

Miss Sue Bascombe regarded the young man very kindly. "I'll remember you a long, long time, Teddy," she answered. "I al-

ways did like you, you know. When you worked my sums for me at school, didn't I like you then?"

"It was you worked mine," answered Teddy.

"So it was," she replied. "I forgot. Anyhow I like you, and always did like you. You know that."

He swallowed a time or two and turned rather red in the face. "Wh-a-at about Ran Pearson?" he asked, blunderingly.

She raised her head, tapped the floor with her foot, and answered deliberately: "Ran Pearson is a nice old man. He's getting bald-headed too fast and is too pokey for me."

He looked decidedly pleased. "You like me, don't you, Sue? You said so just now."

She eyed him kindly but calmly. "I've liked you, Teddy," she replied, "ever since you used to let me do the sums for you at school."

Then the breakfast bell rang. When the meal was ended Mr. McIntosh left for his home, riding Dandy Jim, with a little negro boy behind him to take the horse back. As he rode he mused. "That girl can twist anybody round her finger," he said to himself.

It was an hour before day when Sam found his way on foot and in pitch darkness up the creek that led into the interior of the cave. He groped his way into the apartment where the old man slept by a fire which gave but little light or heat. The negro waked him and related his experience. The two remained in the cavern all the following day. Late in the evening they effectually secreted the few remaining articles that had not been disposed of the day before.

"Ve vill coom pack pime-by," said the old gentleman. "Meppe so, meppe so. Tis is a coot place for a man vat doose not vant to mix in coompany."

Shortly before midnight they withdrew, each with his clothes in a bundle on his head. At the entrance to the cave they robed themselves and quietly stole away from the vicinity. Where they hid the next day, and where they lodged the following night, and for many succeeding nights, I cannot tell you. For weeks and weeks the creek flowed on through its narrow channel undisturbed by man or horse, and the snug guest chamber in the cavern was unoccupied.

## CHAPTER XXI.

THE ANKERSTROM CASE IS CALLED IN ANOTHER COUNTY—THE JUDGE IGNORES A POWERFUL AFFIDAVIT, AND THE TRIAL BEGINS.

FOUR months is not always, and what with the plowing, and the planting, and the doing numberless odd jobs on the farm, the disgruntled folk who had come away from the court at Ashton did not find the time very long until they were summoned again to attend the court at Coopertown. It was not without considerable difficulty, however, that Sheriff Sanderson, aided by Pearson, induced the numerous witnesses to forsake their avocations at a busy time of the year and journey to a neighboring county to give evidence before judge and jury. Apprehension of being fined for non-attendance secured the presence of some of them, though there were not few who would have remained away if nothing else had been relied on to induce their attendance. The judge in that county was a good man, of respectable legal attainments, but getting along in years, and inclined to be both unduly harsh when at all exasperated, and unduly lenient when subsequently soothed. He would fine right and left when witnesses did not answer promptly to their names at the call of the sheriff, and as a rule remove all the penalties if any sort of excuse was afterward made for their remissness. In common parlance, the bark of the old gentleman was worse than his bite, and while he would preach sermons in court about the duty of prompt obedience to process, and would grumble and fret over infractions of his many rules, he was not regarded generally as a rigid man on the bench. This being so it was not because they stood in awe of the court, but mainly as the result of cajolement and persuasion on the part of Sheriff Sanderson, supplemented by personal entreaty from Pearson, that the major part of those notified were induced to take the long trip from their homes to Coopertown.

They were finally gathered together, however, a respectable array as they stood up in the court-room to answer to their names

as the noted case of the State of Tennessee versus Johan Ankerstrom was called for trial the third time. A few material witnesses were absent, but in his earnest desire to proceed Pearson assured the State's attorney that he would have them on hand the next day, and that official announced to the court that he was ready to proceed with the investigation of the cause. When the prosecuting attorney had so announced the judge inquired blandly of Palaver if his client was likewise ready to proceed. At this the lawyer rose from his seat and looked about gravely over the crowded court-room. He then handed to the officer in attendance a paper containing a long list of names, and requested that the persons designated be brought at once to the bar of the court. This official was an undersized man, with a keen voice well adapted to pierce the noise and confusion that frequently prevails in an ill-disciplined court-room. He now mounted a chair and called aloud to the whole assemblage to be quiet. He then read the names upon his paper, and here and there as he proceeded some one in the audience responded "Here." The sharp-voiced officer next went to a window and made proclamation, which signified to the whole town that the attendance of certain persons was desired in court. Thus he secured the presence of about half the individuals on his list, and reported that the others were not in attendance upon the court.

Upon receipt of this information Palaver looked grave. He perused the paper carefully and frowned, and knit his brows as if in considerable perplexity. After some minutes thus consumed he remarked to the court that he was very anxious to proceed with the trial, as the case had already taken up more of his time than he could afford to devote to it, but he could not announce ready while so many of his witnesses remained in contempt of the process of the court. Perhaps if the officer would take a turn around town he might fish some of these from the stores, or find them loafing on the corners, and fetch them into court. The judge at his suggestion began to shake his foot and his head at the same time, which his intimates said was a dangerous sign with him. Palaver upon this looked graver still, though he was inwardly pleased, as the judge was more apt to commit some reversible error while in a pet than if he kept his cool judgment about him.

"I have no doubt, sir," Palaver remarked smoothly, "that my client's witnesses will be in presently. They have a long distance

to come, and it is now, as your honor will see, but a little past ten o'clock."

The judge here launched into a discourse upon the importance of prompt obedience to the orders of the court. He declared that business could not be transacted, and the people's interests must suffer, if the process of the court was to be trifled with in such fashion. Witnesses might be higgling in stores or loafing on street corners, but they had no right to be higgling in stores or loafing on street corners when their presence was demanded in court, and they had been duly summoned to appear in court and give evidence as to facts within their knowledge. Such wilful conduct, the judge declared, could not be tolerated, and he instructed the clerk to enter a fine of ten dollars and costs against each one of the delinquents.

Palaver, as soon as he could get a chance to edge in a word, remarked emphatically that he heartily indorsed the action of the court and was satisfied the public generally would approve of it. "Here I am," said he, "anxious to proceed with the trial of this cause, and my client—who has been languishing in jail for a year—is even more solicitous on the subject than myself, and yet, just as we feel confident that we are about to secure a hearing we find ourselves balked by the inexcusable absence of certain important witnesses, who might have been on hand just as easy as not. Your honor is exactly right," cried Palaver, lifting his voice so as to be heard over the entire court-room, "in teaching these fellows a lesson, and I hope they and others will profit by it. If there were more inflexible judges like your Honor in this State there would be less complaint about laxity in the administration of justice. Undue leniency on the part of the courts makes it impossible to proceed with the people's business, and the failure to enforce prompt trial of causes necessarily leads to mob law, for if the courts will not attend to the people's business the people will rise up en masse and attend to their own business. These interminable delays are ruinous to the best interests of the country, and are well calculated to bring not only courts but the legal profession into contempt. Crime must be punished," proclaimed the lawyer, warming up to his work, "and innocent men under grave imputations must be speedily set at liberty, and how can crime be punished, and innocent men set free, if those summoned to testify wilfully disobey the orders of the court? I speak with feeling on this subject," continued the lawyer, with a touch of the pathetic in his

tone, "and I frankly admit to your honor that my sensibilities in this particular case have been moved. Here is my client, as I have already said, languishing in the common jail with all sorts of low and vile fellows, unfit company for decent men. He is away, far away, if the honorable court please, from the friends of his childhood and his own domestic circle. The gray hairs of his venerable father are now being brought down in sorrow to the grave in consequence of his protracted incarceration. His poor wife is at this moment mourning upon her lonely hearthstone, and his little children are clinging about her knees and sobbing piteously for him who returns not. The contemplation of such a picture would be sufficient to touch a heart of stone, and your honor will therefore excuse me if I am somewhat moved as I dwell upon it here."

As Palaver was proceeding in this pathetic strain the keen-voiced official returned into court with the intelligence that he had been in all the stores and upon the street corners, had indeed searched the town high and low, without discovering any of the absent witnesses. He further stated, giving Sheriff Sanderson as his informant, that most of these witnesses were not under subpoena, as the officers had not been able to find them in the adjoining county, where they were supposed to reside. The clerk substantiated this assertion by producing the subpoenas, which showed that the names of most of the persons sought for had been indorsed by the officers "Not found."

Palaver adjusted his spectacles and examined the subpoenas critically. "No found! not found!" he exclaimed in astonishment. "Why, where is the sheriff of that county? Where is Sanderson?"

"I'm here, sir," responded that official, politely.

"Why were these witnesses not found, sir?" inquired Palaver. "Whose fault was that?"

Sanderson replied, respectfully, that some of the witnesses named were dead, some had long since moved away from his county, and some, he was of opinion, had never had any existence anywhere.

"Do you know every man in your county?" inquired Palaver, severely.

Sanderson admitted that he did not, though he added that his acquaintance was pretty extensive.

"And from your pretty extensive acquaintance, sir, you un-

dertake to say that some of these witnesses never had any existence anywhere?"

"I say to the best of my knowledge and belief," rejoined Sanderson, firmly, "that no such human beings ever lived in my county."

"Ah," replied Palaver, triumphantly, "you modify your statement then, do you, Mr. Sheriff? First, you were quite sure the witnesses lived nowhere on the face of the earth; now you give it as your opinion that they do not abide in your county. Which means, I take it, sir, that for some reason satisfactory to yourself, you have not chosen to look for them in your county."

Then without giving Sheriff Sanderson a chance to reply, the lawyer addressed himself to the court: "It is quite evident, if the honorable court please," said he, "that the statement we have just heard is but a flimsy excuse on the part of this officer for his own remissness. As my witnesses are not here, sir, I shall, of course, have to ask a continuance to the next term, but I wish the case set for the very first day of that term; and I wish, sir, the process put in the hands of some officer who will use his very best endeavor to bring my witnesses into court on the day set. I will now retire, sir, for a few moments and prepare a suitable affidavit in order that the papers in the case may show that I was obliged to ask for, and your honor was obliged to grant, this continuance."

With that the lawyer retired in company with his client. After the lapse of a half-hour he returned with an affidavit as long as his arm, which, having been sworn to by the defendant, he proceeded to read to the court. The judge listened gravely at first, and then with manifest impatience, and when the reading was through announced promptly and emphatically that the allegations in the document were insufficient and the case must proceed to trial. Whereupon Palaver in the presence of the court and bystanders heaved a deep sigh, and said it was a serious thing to put a man on trial for his life when none of his material witnesses were present to testify in his behalf.

The witnesses were then sworn and placed under the rule: that is, they were instructed to retire from the court-room, and to avoid all mention of the case among themselves, or with others, until they were called back to testify before the jury. The jurors who had been summoned for the occasion, an even hundred, were next called over, and a list of their names given to the prisoner's counsel. One by one they were then brought to the bar of the

court and each examined upon his "voire dire." Being first put upon their solemn oaths, they were required to state whether they were householders or freeholders of the county in which the trial was to be had; whether they were in any way related to the prosecutor or the prisoner at the bar; and whether they had formed or expressed an opinion as to the guilt or innocence of said prisoner. The first two questions were easily answered, but the third oftentimes proved a stumper to the court as well as the juror. The prisoner, as has been said, under the over-cautious law of Tennessee, was given twenty-four peremptory challenges; that is, his counsel could direct two dozen of those summoned as jurors to stand aside without leave of court, and without assigning any reason for his objection. Palaver, however, was by no means content with this liberal provision in his own behalf, but set to work to probe the mind of each man brought forward to the very bottom, and thus ascertain for himself whether he was or was not a competent juror. If the person under investigation turned out to be a complete ignoramus he usually accepted him as one fit to sit on the case at bar, but if he was of even moderate intelligence the lawyer insisted he was incompetent. He harried and worried one after another of those composing the venire until the judge completely lost his temper, and each succeeding juror as his name was called approached the clerk with trepidation. They were good men in the main, who did not wish to serve anyway, and were perfectly willing when they found themselves drawn into sharp discussion with the lawyer to take the smoothest way out of the difficulty.

"Who has talked with you about this case?" inquired Palaver, fiercely, of an honest farmer, who said in answer to the clerk's question that he had no fixed opinion as to the guilt or innocence of the prisoner, though like most everybody else he had heard some talk of the Bascombe murder.

"Who has talked with you about this case?" inquired Palaver of the juror.

"Wal, I dunno. Nobody in particular, I reckon. Jess a word here, and a word there, you know."

"Just a word here, and a word there, you say?" responded the lawyer, inching his chair up nearer to the individual whom he sought to bring into trouble.

"Yes, 'bout that way, you know. Jess a little loose talk that didn't signify."



"Didn't signify?" repeated Palaver, in his most sarcastic tone. "Didn't signify? Now, sir, will you please state to me specifically just what this loose talk was that in your opinion didn't signify. Will you state it, sir, so that I and the judge may determine whether or not it signifies. Can you state it specifically, sir?"

"Wal, squire," replied the unlucky witness, after some hesitation, "I dunno as I kin."

"Dunno as you kin?" repeated Palaver, still more sarcastically, and drawing still nearer the prospective juror. Those behind the rail now began to press forward, being confident from the turn affairs were taking that there was fun ahead. Palaver, of course, noted this demonstration, and was pleased with it. He began now rubbing his hands, and looking first toward his intended victim and then back upon the bystanders as if to assure them they would not be disappointed.

"Dunno as you kin?" repeated Palaver. "You are the kind of fellow then who cannot be influenced in the least by loose talk, but with whom tight talk goes a long way. Is that it?"

"Mebbe so, squire, mebbe so," replied the discomforted farmer. The crowd here broke into a laugh and a disorderly demonstration which it required proclamation from the sheriff to quell.

"Tight talk is very persuasive, but loose talk doesn't signify," pursued the facetious attorney. "That's the way of it with you, is it? That's the way of it with you? Now, sir, let us test the accuracy of the conclusion you have reached in this matter. Will you please define for me, sir, precisely the difference between loose talk and tight talk as laid down in your dictionary?"

The juror shook his head. "I wouldn't try to do that, squire," he replied. "I wouldn't try to do that."

"Wouldn't try to do that? Then, sir, I'll ask you another question, and I hope I'll be more fortunate in eliciting a reply. Will you please inform me, sir, whether you actually heard this loose talk that you say was going round in your section?"

"Yes, I heerd it."

"Actually heard it, did you?"

"Yes, I heerd it."

"No mistake about that?"

"No, thar ain't no mistake about it. That is," he added for fear of being led into a trap, "I don't reckon thar's any mistake about it."

At this Palaver laughed. The crowd behind the bar laughed

again, and the sheriff a second time admonished them to be quiet.

"You are not deaf, are you?" inquired the lawyer of the witness.

"No, I ain't deaf."

"Then you must have heard it."

"Heerd which?"

"Why, the loose talk that you say was going round in your neighborhood."

"Yes, I heerd it."

"You are positive?"

"Yes, I'm positive."

"Now, sir," queried the lawyer, assuming an argumentative tone, "I'll ask you if any kind of talk—loose talk or tight talk—can go in at your ear without making some sort of impression on your mind?"

"Which?"

"You have good ears, you say?"

"Yes, pooty good."

"And you have a mind, sir?"

"Oh, yes; I reckon so. Yes, I know in reason I must have. Of course I've got a mind."

"Then, sir, I'll ask you if it's possible for any sort of information to be conveyed through those ears of yours without making an impression upon that mind of yours?"

"Which?"

"Can anything go in at your ears without effecting a lodgment in your mind?"

"No, I reckon not."

"And if anything in the way of information does go in at your ears, and does effect a lodgment in your mind, then you have an opinion, haven't you?"

The judge here heaved a deep groan.

"Under them circumstances I reckon I would. I'd be 'bleeged to have an opinion under them circumstances, wouldn't I, squire?"

"You'd be 'bleeged to have an opinion, would you?"

"Yes, I would."

"You couldn't help it?"

"No, I couldn't help it."

"Now, sir, you say you heard words passing about in your

neighborhood on the subject of the Bascombe murder? A word here, and a word there, to use your own expression."

"Yes, I said that."

"And these words found lodgment in your mind?"

"To be sure."

"And made an impression which it would require other testimony to remove?"

"Suttinly."

"Then you have an opinion as to the guilt or innocence of the prisoner?"

"Wal, now, see here, squire, I——"

"Have you an opinion, or have you not?"

"Wal now, see here. Accordin' to your way of puttin' the thing——"

"Answer my question; yes or no."

"Have I got an opinion?"

"Ye-ss," with considerable asperity. "Have you an opinion in your own mind at present as to the guilt or innocence of the prisoner? If not, sir, I'll trouble you to tell me——"

"Yes, I reckon I've got some sort of an opinion floatin' round in my mind. I reckon so."

"You admit that now, do you?"

"Yes, I own to that now; though at fust, you see——"

"You have an opinion as to the guilt or innocence of the prisoner?"

"Yes, I have," responded the tired juror, willing to bring the discussion to an end upon any terms.

"And it would require proof to remove that opinion?"

"Yes, it would."

"I challenge him for cause," cried the triumphant attorney, addressing the court.

"Let him stand aside," said the exasperated judge. "But I'm satisfied he has no opinion in his mind worth a shuck."

So it went all the forenoon, and all the hot afternoon, and what with the twenty-four peremptory challenges for no cause at all, and the limitless number for next to no cause at all, the sun went down, and the court adjourned before twelve good and lawful men had taken their seats in the jury box. It was evident that Palaver had resolved to try the cause before twelve idiots if so many could be found in the county, for he managed to get rid of every individual on the venire whose answers indicated that he was of

average intelligence, or whom he knew to be of respectable standing in the community. When night came, however, he had exhausted his twenty-four peremptory challenges, and ten jurors had been chosen, so there was reasonable ground for hoping the trial might begin in the forenoon of the following day. The sheriff was instructed to fetch in a fresh panel of jurors, as every one of the original hundred had either been accepted or ordered to stand aside upon one pretext or another.

The witnesses for the State and the prisoner found accommodation for the night as best they could, and resorted to various devices to while away time until the nine o'clock bell should convene court the following morning.

## CHAPTER XXII.

MISS SUE BASCOMBE TAKES THE STAND, AND THERE ENSUES A VERY LEARNED ARGUMENT OF A VERY GRAVE POINT.

THE next morning when court assembled the two additional jurors were secured with less trouble than had been anticipated. The prisoner's peremptory challenges had been exhausted, and the sheriff had brought into court a fresh lot of men, most of whom were intellectually above the standard which Palaver had fixed in his own mind as the proper one in the selection of jurors. He would have gotten rid of each of these no doubt upon the ground that he knew, or had heard, something of the case at bar, but the judge this morning had taken his seat on the bench with the resolve to proceed with the order of business, and so he ruled several times that the individual under scrutiny had no disqualifying opinion, while Palaver insisted mightily that he had. Slowboy, who, of course, was present in court, backed up his chieftain's contention with some dry logic, and several decisions from the supreme judicial tribunal of the State, but the trial judge to-day had the bit in his teeth—as the lawyers said—and made no bones of holding promptly and decisively against the two attorneys as soon as the sentences from their lips had ceased to reverberate in the courtroom. This unjudicial conduct brought grief to the older lawyer, but Slowboy was secretly pleased, for being but a plain matter-of-fact fellow he always preferred to have plain common-sense men before him to whom he could address his talk.

The twelve jurors being now chosen were called upon by the clerk to rise in their seats and raise their right hands preparatory to being sworn as triers of the cause.

"Where's the book? Where's the book?" exclaimed Palaver, testily. "We want no new-fangled notions here. Fetch out the book, Mr. Clerk."

So the clerk rummaged among his pigeon holes, and finally produced a dusty and somewhat greasy New Testament, which the

first juror solemnly kissed in open court and passed to his neighbor, and so it went down the line. This grave ceremonial through, the twelve jurors resumed their seats, the indictment was read, and the trial of Johan Ankerstrom, alias Cross-eyed Jack, etc., for the murder of Mrs. Susan Bascombe was begun at last.

Miss Sue Bascombe was the first witness introduced, and she made an excellent impression on judge and jury; indeed upon all those present in the court-room. She told a plain unvarnished tale without embellishment, without embarrassment—though surrounded by strangers—and without attempt at display. She described the location of the house in which she and her grandmother had dwelt, and, for the better information of the jurors, drew with a piece of chalk on the court-room floor an accurate diagram showing the plan of the building. Here to the left as you faced the highway was the lower room occupied as a sleeping apartment by herself and Mrs. Susan Bascombe. At the other end of the structure was the company room, which, as its designation indicated, was usually reserved for visitors, though during the preceding winter it had been occupied for purposes of study by Mr. Wiseman, the schoolmaster. Between these was the open hallway from which a narrow passage, with a locked door at top, led to the half-story apartments above. With what seemed to be unnecessary particularity the attorney-general drew from the witness the minutest details as to the plan of the old building where the crime was committed. He wished to fix vividly in the minds of the jurors the scene of the tragedy, and he saw they were all keenly intent as the girl, kneeling most of the while on the floor with the lump of chalk in her hand, answered calmly the various questions propounded to her. Here was the bed on which she had slept, and there was the one occupied by her grandmother. Close beside her couch was a window which looked into the back yard, and within reach of her grandmother's arm was a door opening into the front yard, there being only one low step from the sill to the ground outside. Here was what was called the middle door, opening into the hallway and leading across this into the spare room by a door exactly opposite. A little way off from the main building—here, and here, and here—were the kitchen and smokehouse and hen-house. Running thus was the rail fence encircling the premises, and immediately back of the residence was a steep ridge on the side of which the foliage was then dense, for it was summer time,

To all this rather dry description the judge listened, the jurors listened, and even Palaver gave respectful attention. It was not usual to see a young girl in a crowded court-room drawing plans with a piece of chalk on the floor, and illustrating her sketch with verbal description as simple and direct as if it had come from a teacher of mathematics instructing a class. All the younger lawyers at the bar crowded about and looked over the shoulders of those immediately engaged in the case; and Slowboy—who by virtue of his partnership with Palaver had a front seat—sat with open eyes staring at Sue, and forgetful to make notes of her testimony on the unscratched tablet which he held in his lap.

When the diagram was completed and the descriptive matter ended, the young lady resumed her seat in the witness chair, and detailed to the jury the startling incidents of the night of the tragedy. The sash of the window by her bed that night was raised, but the blind was closed. It was about midnight when between sleeping and waking she heard a light step in the open hallway between the room occupied by herself and grandmother and the spare room used for the reception of visitors. She had been wakeful during the night, and with her faculties all on the alert she recognized this step at once as the stealthy tread of a human being. It was not the trot of a dog or the footfall of any smaller animal, for she was not unaccustomed to these, and could distinguish them at once. The intruder paused when he reached the door of the family room and seemed to stand still and listen for a few moments. Then a violent blow was struck that jarred the house, and her grandmother, awakened by the crash, sprang out of bed in a moment. In an instant, or almost immediately following the first blow, a second was struck, more violent than the first, and the door gave way. The widow Bascombe, being remarkably active for one of her years, by this time had reached the door by her bedside that led into the front yard and made her escape through that. The witness threw open the shutter by her couch and leaped through the small window into the back yard. As she did so she glanced back fearfully and saw the form of a man in the doorway that had been broken open. It was quite dark, and she could not discern his features, could not even tell whether it was a white man or a negro, but she could tell it was the figure of a human being of low stature and somewhat bulky build. There was no weapon in the house except a shotgun that rested in a rack on the opposite wall, and she did not know to a certainty that this was

loaded. When her grandmother disappeared through the front door she leaped, as said, through the little window by her bed into the back yard, and ran as fast as she could up the steep hill that rose immediately in the rear of the house. Her grandmother could have escaped in the darkness through the front yard, and she thought she had done so until she was startled by her cry in the immediate vicinity of the house. The witness by this time was some distance away, but when she heard her grandmother's cry she at once turned back, determined to go to her rescue at whatever cost. She was barefooted, and the stones on the hillside hurt her feet, but she made the best speed she could back toward the house she had left. Suddenly a light blazed out from the building, then she heard her grandmother's cry again, the second time more startling than the first. When she neared the yard fence she heard the barking of a dog and the sound of running feet. Thinking there must be a number of ruffians about the house she paused and hesitated before advancing farther. All was now still, and the flames from the burning house lit up the scene around. Determined in her anxiety to go forward at whatever hazard, she climbed the yard fence, and, making a circuit round the flames, found her grandmother at some distance away, speechless, desperately wounded, and with her clothing and flesh badly burned. She did what she could to assist her, and in a short while was joined by first one and then another of the friendly neighbors. Briefly, and speaking from her own personal knowledge, this was all she could tell as to the horrible tragedy that cost her grandmother's life, and resulted in the destruction of the home in which she herself had dwelt since infancy.

As Sue Bascombe told her story calmly and without the slightest attempt at embellishment, she elicited the special admiration of the old judge, who remarked aside to the clerk, while she was on the stand, that he had seldom seen in the court-room a witness who so faithfully narrated the incidents within her own personal knowledge, without apparent design to affect the issue either one way or the other. The attorney-general vainly sought to induce her to strengthen her tale, and Palaver on cross-examination almost as vainly sought to lure her into some admission that would weaken it. She had said she did not recognize the man who entered the room on the night of the murder, but that he was of low stature and heavily built. The State's officer urged her to refresh her memory and state to the jury whether the intruder on that occa-



sion was a white man or a negro. He asked her whether in the dim light she could not distinguish features far enough to say that the face of the housebreaker was white and not black. He more than intimated that this was a highly important point in the chain of evidence, and if possible she should fix her memory on the incident, and undertake to say whether as she glanced back at the figure the impression made on her mind was not that it was a white man who was forcing his way into the room. The girl replied positively and calmly that no such impression was made on her mind at the time; that as she glanced back hurriedly she saw the figure of a human being in the doorway; that it was the figure, not of a tall person, but of one whom she thought was rather below the average height. It impressed her also as being the figure of a stout man. It was a hasty glance she gave, and she could only trace the outlines of a human form against the dim light in the hallway. Possibly, she admitted to Palaver, she might be mistaken as to its being a stout and not a slim figure, but she was not mistaken as to its being the figure of a man of low stature. She had seen the prisoner several times before, and knew the negro, Kinchen, quite well, but she did not recognize either of them as being the person standing in the doorway. It would not have been possible, however, for her to have recognized the most intimate friend under the circumstances.

The most hotly contested point in the progress of the trial was as to whether the statement made by the widow Bascombe shortly before her death should go to the jury as testimony. It was evident from the earnestness of the attorneys on both sides that the decision of the judge on this question was of vital importance, and Sue was given a good rest while they argued the matter at length before the court. They glided into the sharp discussion so quietly that the storm broke loose around her before she was aware of the fact that trouble was brewing. After she had detailed without interruption all of the incidents connected with the murder of which she had personal knowledge, the attorney-general in a matter-of-course way propounded to her the following query:

"I'll ask you, Miss Bascombe, whether your grandmother a short while before her death did not make a statement in your presence, in which she said that she recognized the prisoner as the man who broke into the house and dealt her the blow with an ax from which she afterward died?"

"What's that? What's that?" cried Palaver, whose attention for the moment had been diverted to something else.

"I'm seeking to introduce," replied the attorney-general, "the dying declaration of the widow Bascombe."

Palaver: "Well, well, sir; suppose we first inquire in the usual fashion whether there was a dying declaration."

The attorney-general (rising and addressing the court): "We propose to show, if the court please, that the widow Bascombe on the night of her death distinctly recognized the prisoner at the bar, had a conversation with him, told him she recognized him, and would have him punished for housebreaking and arson, and that he killed her to prevent her carrying her threat into execution; that he struck her a murderous blow with an ax, if the honorable court please——"

Palaver (raising his arm and shaking his right hand nervously): "I object, I object, I object."

Attorney-general: "Object to what? You will surely let me state to the court what I expect to prove by this witness?"

Palaver (at white heat): "No, sir-ee. We'll do nothing of the kind, sir. Nothing of the kind. We insist, sir, that old Granny Bascombe never made any statement at all after she received the fatal blow, and if she made any statement, sir, it was but the incoherent rambling of one out of her head: that she did not talk at all, sir, and was incapable of talking if she had wished to talk, and if she did talk she didn't know what she was saying. And we protest, sir, we do most emphatically protest, against having the minds of this jury prejudiced by the astounding statements of counsel. And we ask, sir, to the end that the minds of the jurors be not prejudiced by such astounding statements, that the jury retire under charge of the sheriff while we discuss this matter before the court."

The twelve jurors having been sent from the court-room, the attorney-general and Palaver now had it up and down before the learned judge as to the admissibility of the evidence sought to be introduced by the State's officer. First Palaver insisted that he had a right to qualify the witness and ascertain from her whether her grandmother made any statement on the last day or night of her life, and if so whether such statement was made under circumstances that entitled it to be introduced now as the dying declaration of the old lady. The court agreeing with him as to this he proceeded to interrogate the young lady in the absence of the jury.

Palaver: "I'll ask you, Miss Batson——"

The witness, interrupting: "Miss Bascombe."

Palaver: "Very well, then, Bascombe, Bascombe. I'll ask you, Miss—ah—Bascombe, whether or not your grandmother made any statement shortly before her death in connection with the matter at hand—whether she undertook to tell how the blow resulting in her death was given, and by whom it was given? I'll ask you if she told at all how the thing occurred?"

The witness: "She did."

Palaver: "I'll ask you whether at the time she made this statement she was in your opinion in her right mind—whether she knew what she was about?"

The witness: "She was entirely at herself, and fully conscious of what she was saying."

Palaver: "You are quite sure, then, Miss—ah—Batson—Bascombe—that your grandmother was compos mentis when she delivered this utterance?"

The witness: "I do not understand you, sir."

Palaver: "You think the old lady knew what she was talking about?"

The witness: "I am quite sure she did."

Palaver: "I will now ask you, Miss—ah—Miss—ah—Bascombe, whether this utterance of your grandmother was delivered in view of approaching death—whether she thought her earthly existence was soon to terminate, and so thinking she made to those present a dying declaration in order that her testimony in the case might not be lost entirely?"

The witness: "Why, no, I cannot say that my grandmother's statement was made under the impression that she was soon to die. On the contrary, she was quite hopeful, and, I think, expected to recover from the wound she received."

Palaver: "Did she say anything which would indicate to you that she either expected to recover or considered her wound fatal?"

The witness: "Yes; when I asked her a short while before her death if she wasn't better, she replied that she was, and expected to continue to improve. And she asserted several times during the afternoon and night that it was her purpose to appear in court and testify against the prisoner here."

Palaver (inching his chair closer to the witness and putting his hand behind his ear as if he wished to lose not a syllable of

her reply): "Ah—ah; beg pardon. Say that again, say that again."

The witness: "I say my grandmother did not seem to consider her wound fatal, but on the contrary expressed herself as confident that she would recover, and more than that, announced that she expected to appear in court and testify against this man, Johan Ankerstrom."

Palaver (waving his hand and smiling triumphantly): "That will do; that will do. You may stand aside, Miss—ah—Bassford."

The attorney-general: "Wait a little, wait a little. You say, Miss Bascombe, that your grandmother was desperately wounded."

The witness: "She was indeed, sir."

The attorney-general: "You all thought her wound fatal?"

The witness: "We certainly did, sir."

The attorney-general: "The doctor thought so?"

The witness: "He said so when he first saw her. After a while, though, he seemed to think there was some chance for her life, and so indeed did we all. She was so strong, and so confident herself, that she inspired us with a little hope."

The attorney-general: "Still her wound was of such fearful nature that there could have been no other reasonable expectation from the start except that death would follow?"

The witness: "That is certainly true."

The attorney-general: "Your grandmother in her statement declared that she recognized the prisoner here as her assailant, did she not?"

The witness: "Shall I state what my grandmother said on this subject?"

The attorney-general: "Yes, go on, and tell what she said."

The witness: "She said when she saw the house on fire, and turned back, the prisoner here ran out to meet her, with an ax in his hand. She cried to him—I will endeavor to give her exact language—'I know you, you low-lived scoundrel, and I'll have the law on you for this night's work.' When she said that the prisoner used some insulting expression, which my grandmother did not repeat, and struck her a violent blow with his ax."

The attorney-general: "Your grandmother recovered consciousness some hours after the blow was struck, and, as I am informed, made a statement to those about her of all the facts

connected with the crime. I'll ask you if this statement was a clear and connected one, made of her own volition, or was it drawn from her in reply to frequent questioning?"

The witness: "It was a clear and connected statement, made of her own volition. I tried to induce her to stop, thinking so much talking might injure her, but she persisted, and would not cease until she had given us all the facts within her knowledge. She was much incensed at the hanging of the negro, Kinchen, by the mob, and told her story, I think, to show what cruel injustice had thus been done an innocent person."

The attorney-general: "That will do, Miss Bascombe."

Palaver (addressing the court): "Well, if this is a dying declaration then I'm free to say, if the honorable court please, that I've been in error all my life as to what a dying declaration was,"

At that the fun began, for the attorney-general promptly rose and said if this was not a dying declaration, then he was badly mistaken as to what a dying declaration was. Palaver insisted that according to all the authorities a dying declaration could only be introduced subsequently as evidence in court when the declarant was in extremis at the time of making it, and not only in extremis, but fully conscious of the fact that death was nigh, and in that solemn frame of mind which would be the necessary result of such a conviction. The serious frame of mind that would be necessarily induced by the consciousness of approaching death was the very essence of a dying or death-bed declaration. The solemnity of such an occasion was supposed to equal the sanctity of an oath in open court, and therefore the law permitted genuine dying declarations to be introduced as evidence where in consequence of intervening death it was impossible to have the declarant sworn and examined in open court. Now, here was an old woman who not only was not influenced by the solemn impression that she was about to die, but who stoutly persisted that she intended to live, and further that she intended to come to court and testify against the prisoner here. Her statement, whatever it was, was certainly not considered by her to be a dying declaration, and therefore could not be taken here as a dying declaration. It would be a contradiction in terms to hold that she could intentionally deliver to those gathered about her a solemn death-bed statement when she herself at the time was not conscious of the fact that she was upon her death-bed. All this and much more Palaver urged with great vehemence before

the court, and to him the attorney-general with much force and logic did make reply.

The old rule, he conceded, had been as insisted upon by the counsel for the prisoner, but many of these inflexible old rules had been modified, or done away with, by modern decisions. A dying declaration now was a serious statement made by one who when making it was actually at the point of death, and who was soon afterward taken by death beyond the jurisdiction of the court. Such statements, no matter what might have been the frame of mind of the person uttering them, should always be critically weighed, since there was no opportunity to examine the informant in open court. But at last the reason for admitting them as evidence at all was not the fanciful one given by the prisoner's counsel, but arose from the very necessity of the case. The interpreters of the law, in weighing the offer to introduce such testimony, found in most cases that they must either reject credible statements of the highest importance in the elucidation of the issue, or they must permit, contrary to usage, the jury to weigh as evidence matter that had not been received from the lips of sworn witnesses before them. In the interest of justice the most liberal judges of the present day chose the latter alternative, but in so doing allowed the declarations received to be thoroughly sifted, so that the jury might know precisely how much importance to attach to them. If they were wrung from the dying informant by frequent questioning, if they were uttered in the broken intervals of fever, if they were in themselves contradictory, if they were inconsistent with other indisputable facts in the case, intelligent jurors would attach but little weight to them. If they were the clear and connected utterances of reliable persons, if they were spoken with no other apparent motive than a desire to tell the truth, if they were not improbable in themselves, and not inconsistent with other established facts in the case, they would be entitled to, and doubtless would receive, much consideration from the triers of the cause. To say that such statements should not be received at all as evidence would be oftentimes to screen the guilty and defeat the very purpose for which criminal courts were organized. Take the case now before us, and see how shocking to the conscience would be the application of the rule for which the prisoner's counsel contends. Here in a retired country neighborhood had been committed the double crimes of house-breaking and house-burning, two of the

gravest felonies known to the law. The perpetrator of these outrages was recognized by the brave old woman whose home he had ruthlessly destroyed at midnight. Standing there unfriended and alone with the villain, her sole thought was that the law of her State would avenge her, and she had the courage to tell him that she would appeal to that law against him. What next followed? Why, if the court please, to prevent her appeal to the courts of her State he raised his murderous ax and cleft her skull in twain. He fled, thinking he had killed her where she stood, but fortunately before she left this earth she recovered her strength a little, and delivered to those about her a plain unvarnished tale, setting forth the night's incidents in detail and informing them of the real author of the crime. It is this plain statement, which carried conviction with it, that we seek now to introduce before the jury as evidence. If your honor holds this may not be done, then Johan Ankerstrom has accomplished the very object he had in view when he slew the brave old widow in the glare of her burning home, and he has accomplished it—your honor cannot be offended if I say so—by the aid of the court.

Palaver replied, and the attorney-general rejoined, and so they had it, the counsel for the State and the counsel for the prisoner, for the space of considerably more than an hour. They strove mightily, for each felt that the final result in all probability depended on the decision of the court as to the admission or rejection of this dying declaration. They talked at the learned judge and over the head of Sue Bascombe, who sat immediately below his Honor, and facing in the same direction as he. It would have been trying to some young women to sit for such a length of time bolt upright in a high arm-chair fronting two pugnacious lawyers whose arguments were addressed, so far as the bystanders could determine, as much to herself as the court. Miss Bascombe, however, resigned herself calmly to the situation and seemed to be much interested in the discussion. She had never before heard of a dying declaration, and did not understand the legal significance attached to the term. Now she was much concerned in finding out whether it was essential that persons making such declaration should know themselves to be in extremis at the time of delivering the utterance, or whether it was sufficient if they actually were in extremis and told a connected story to those in attendance. She weighed the arguments pro and con as the discussion proceeded, and by the time the lawyers were short of

ideas and out of breath had reached the conclusion in her own mind that by all the rules of justice and common sense her grandmother's statement should be allowed to go to the jury as evidence. So the learned judge, sitting just behind her, ruled when it finally came his turn to speak, and Sue was glad to find so sensible a person holding the scales of justice.



## CHAPTER XXIII.

THE JUDGE SENTENCES THE PRISONER TO HANG SPEEDILY ; BUT THE LATTER GRANTS HIMSELF A RESPITE OF A YEAR OR SO.

ANKERSTROM during all the ups and downs of the long trial maintained his same stolid demeanor and seemed to be not very particular which side won in the frequent tilts between Palaver and the attorney-general. He appeared to rather enjoy the whole as a free show gotten up for his benefit, and grinned quite often at the discomforture of his own counsel when some thrust of the State's officer brought the former to grief. The theory of the defense was that the right man had already been hung for the murder, and Palaver brought forward every circumstance that would assist him in getting this notion into the heads of the jury. He bothered the witnesses no little as to the precise words uttered by old Mrs. Bascombe when she told of the tragedy. "Are you certain she said that?" "Now, didn't she say this?" he would inquire again and again in his most aggressive manner. He succeeded in working one or two of those whom he badgered into a display of temper, and that was nuts for Palaver.

"Now tell me, sir, just how this thing was," he said provokingly to one irascible witness. "Just begin at the beginning, and tell me all about it."

"I've done told you three times, and I'm not going to tell you any more."

"I'll ask you, sir, if the old lady didn't say she thought it was Ankerstrom, but it might have been Kinchen?"

"No, she didn't."

"Didn't she say positively at first that it was Kinchen?"

"No, she didn't."

"Then how came you to hang Kinchen?"

"I didn't have no hand in it."

"You didn't, hey? Well then, sir, who did have a hand in it?"

"I dunno."

"Wasn't you there that night?"

"I was standin' round, jest for curiosity like."

"You didn't take any part in the proceedings?"

"I never teched the nigger from fust to last."

"Didn't you encourage others to hang him?"

"I had nothing to do with it, I tell you."

"What was you doing there?"

"None of your business."

"What were you doing out from home that night?"

"No odds what I was doing."

"You went to bed at the usual hour that night, didn't you?"

"Yes, I did."

"You got up afterwards and left home?"

"Yes, I did."

"Are you in the habit of getting up out of bed and rambling about over the country at night?"

"No, I ain't. I tend to my own business and leave other folks to tend to theirs."

"You were 'tendin' to your business.' then, when you left home that night?"

"Yes, I was."

"Your business was to go out and help hang Sandy Kinchen?"

"I had nothing to do with it, I tell you."

"Don't you know you were the foremost man in the crowd that night?"

"Who, me?"

"Yes, you."

The witness here reared back in his chair, stuck his thumbs under his galluses and stared at the lawyer ferociously for a few moments. "Who said that?" he inquired of the attorney.

"Never mind who said it. I'll ask you if it isn't a fact?"

"No, it ain't no fact," rejoined the witness, exasperated beyond all measure. "It's a infernal lie, and I can whip the man that started it. If you want me I'll go further than that."

"Well, go further."

"I b'leive," said the witness, pointing his finger at the lawyer, "you're the man that started it."

Here there was a great guffaw behind the bar, in which the attorney-general and most of the lawyers joined heartily.

"If the court please," said Palaver, rising and addressing the

judge with dignity, "I would like to have this witness respond to my questions without indulging in billingsgate here in the court-room. It is difficult, if the honorable court please, to make progress in a trial when witnesses persist in using disrespectful language toward counsel employed in the case."

"You begun it," interrupted the witness.

"Mr. Sheriff," remarked Palaver, addressing that functionary severely, "will you please give us order in the court-room?"

The sheriff here tapped the obstreperous witness on the shoulder and cautioned him to hold his tongue or he might find himself a sufferer from his rashness. The judge hastily folded the newspaper which he had been quietly perusing for half an hour and lectured the witness soundly for his unbecoming behavior. When this was through Palaver took him in hand again, and exasperated him again, and again appealed to the court to make him behave. By the time this racket had been worked on him a few times the witness was in good fighting trim, and when he was finally dismissed he took occasion to pass by the chair of Palaver, and informed him in tones not particularly confidential that he would like to see him just outside the door when court adjourned. The lawyer did not respond at all to this pleasing invitation. At the noon recess he left the court-room by a side door, walking arm in arm with a brother attorney, and continued busily discussing with him some proposition of law until the two reached the tavern.

The trial lasted more than a week, and every inch of ground was fiercely contested by the opposing attorneys. Palaver, after the admission of the dying declaration of the widow Bascombe, fought with desperation. He was a most resourceful man, and his genius always shone resplendent when his case was well-nigh hopeless. His client possessed a countenance that would have justified a jury in inflicting capital punishment upon him if there had been no facts upon which to base such a verdict. With the damning proof against him here, however, his conviction, to every one except his sanguine attorney, seemed a foregone conclusion. Day by day the case dragged on. Witness after witness testified, and when all were through the attorneys in able arguments before the jury reviewed the evidence, gave prominence to such parts as they wished to bring out, skilfully hid damaging facts, placed violent construction upon many plain words in the English language, abused and flattered the unfortunates who had been

called to testify, and on the whole so befuddled the jurors that several of these finally were at a loss to know whom they were trying, whether the prisoner, the witnesses, or the judge.

The behavior of Absalom Slowboy during the progress of the trial was such as to excite both notice and comment from his brother attorneys. On the morning after Miss Bascombe testified he came into court with his Sunday clothes on and his hair parted in the middle. On the following morning he wore a button-hole bouquet and carried on his open countenance a conscious expression, which indicated that he thought he was being observed. Once while the young lady was on the stand he undertook to propound a few questions to her, but was so embarrassed by her calm replies that he abandoned the effort in confusion. When it came his turn to address the court and jury he forgot himself, and made a strong legal argument, but was again, toward the conclusion, nearly knocked off his pins by the discovery that he had the close attention of Miss Bascombe. Altogether his deportment, while not in the least discreditable, was unaccountable, and perhaps in all the crowded court-room there was but one individual who thoroughly comprehended the why and the wherefore of his singular behavior. That individual, I should perhaps add by way of explanation, was not Absalom Slowboy himself.

All things in this world must have an end, and it came to pass after several days of weary forensic struggle that the judge late one afternoon delivered his charge to the jury. It was a long document, defining the law as to murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter, excusable homicide, assault and battery, provocation, extenuation, justification, malice aforethought, reasonable doubt, insanity, delirium tremens, and divers other matters having little if any bearing that the jurors could see upon the main question at issue. This the learned judge did, not that he thought all these things were pertinent to the issue, but that frequent reversals by the Supreme Court of the State had brought him to the conclusion that it was better to have too much in his charges than too little. When he had finished he sent the jury to the tavern for the night and adjourned the court.

The following morning at nine o'clock court met pursuant to adjournment, present and presiding, the honorable judge of the Twenty-second Judicial Circuit of Tennessee. Whereupon came the jury before impaneled in the cause, to wit, John Doe, Richard

Roe, etc., and the defendant in custody appeared at the bar of the court.

Palaver and all the attorneys, as well as most of the bystanders behind the bar, rose to their feet as the jurors filed into the court-room, and stood watching anxiously the face of each member as he responded to his name at the call of the clerk.

"Have you agreed, gentlemen?" inquired the clerk of the foreman of the jury when the roll call was finished.

"We have," responded the foreman.

"What is your verdict?"

"We find the defendant guilty of murder in the first degree as charged in the bill of indictment."

"So say you all, gentlemen?" further inquired the clerk; and each of the other jurors bowed his head in acquiescence.

There was a slight demonstration of approval from behind the bar, which was instantly checked by the sheriff.

"Poll the jury, Mr. Clerk," demanded the attorney-general.

"Oh, never mind," said Palaver.

"Poll the jury, Mr. Clerk," again demanded the attorney-general.

The clerk then called upon each of the jurors by name, and each when interrogated declared that he assented to the verdict announced by the foreman.

The law did not demand the precaution of having each juror speak for himself, but if this had not been done in the present instance Palaver would soon have had the affidavits of half of them to the effect that they were not entirely satisfied with the verdict as rendered, but would have preferred some other solution of the knotty problem before them. Such affidavits are not difficult to procure, for in the composition of every jury will be found certain good-natured individuals who while in consultation will agree to any sort of verdict to oblige their fellows, and when subsequently discharged will sign their names to any sort of paper to oblige somebody else. To head off such amiable individuals a careful prosecuting attorney will in every grave case require each juror to speak out for himself in open court, so that if any one of them should consent afterward to alter his verdict he would, as Dogberry says, write himself down an ass.

As soon as the jury was discharged, and while most of the members were still in the court-room, Palaver got the ear of the court, and asked for a new trial, saying he was utterly astounded

at the verdict just rendered. The judge inquired if he wished to argue his motion for a new trial, and the exasperated attorney replied that he did not wish to do so at length. He had no other objection to urge against the verdict, he said, than that it was in the teeth of law and justice. The learned judge at that overruled the motion for a new trial. Whereupon the lawyer moved the court in arrest of judgment, saying his only ground for such motion was that the verdict was in the teeth of law and justice, and no judgment could be pronounced by the court upon it. Whereupon the learned judge overruled the motion in arrest of judgment, saying he thought judgment could be pronounced upon it, and would be at the proper time. Whereupon the attorney, having no other motions to fall back on, sat down in his chair and glared at the court for a while, and then bent his glance downward toward the floor like a deeply injured individual who has it not in his power to help himself.

Later in the day Ankerstrom was brought to the bar of the court, and the judge pronounced sentence of death upon him. Palaver by this time had recovered his equanimity, and stood close by his client with a confident smile on his face. The voice of the judge trembled as he addressed the prisoner, for it is a serious thing to look a fellow creature in the face and pronounce words which when carried into execution will end his earthly existence. To coolly sentence a human being to death is a good deal like committing murder in the first degree yourself, and the humane judge in this case evidently discharged with the utmost reluctance the painful task that the law imposed on him. Ankerstrom, however, stood unmoved, and grinned in the judge's face as in deeply solemn tones he heard his own doom pronounced. He had been no doubt buoyed up for the ordeal by his attorney's assurance that the Supreme Court would set aside the verdict that had been rendered against him, and he knew at any rate that an appeal was his privilege, and that the hangman's grip would not be felt about his throat just yet. Having a little more time on earth he could afford to be insolent for the present, and so he distorted his hideous features into a disrespectful grin, and listened as if to the recital of a good joke, when the judge in measured words informed him that at 2 o'clock P. M. on a certain Friday not far off he would be taken from his cell in the county jail to a gallows that would be erected for him, and there hung by the neck until he was dead.

When sentence had been pronounced Palaver in the blandest tone imaginable prayed an appeal to the next term of the Supreme Court of Tennessee, which prayer the judge—not having it in his power to refuse—was pleased to grant. It was understood between counsel that the bill of exceptions would be made ready for the judge's signature by the following Saturday, that being the last day of the term, and the prisoner, Ankerstrom, was thereupon remanded to jail.

As he passed out of the court-room in custody of the sheriff a little incident occurred which removed the ugly smirk from the prisoner's face and showed him to the crowd as the ill-natured brute he was. Pete Kinchen and his little dog were among the idlers in the lower hall, and as Jeneral Beauregard caught sight of his old enemy approaching he first cocked his eye at him to make sure he was not mistaken, and then making a sudden dash upon him, gripped him with his sharp teeth by the calf of the leg. Cross-eyed Jack raised a savage yell and plunged after the dog, who had wisely taken to his heels as soon as he tasted his enemy's blood. The sheriff pursued his prisoner and brought him to a halt, whereupon the latter stamped his feet, raved, and fell into such an ungovernable fit of passion as shocked and astonished all those about him. Pete Kinchen retreated precipitately, and at a safe distance kept a fearful eye on the brute, but Jeneral Beauregard fled far beyond the court-house premises, and the two friends did not meet again until late that evening, when as the negro lad was leaving town a sharp-nosed fox terrier unexpectedly joined him in the suburbs.

## CHAPTER XXIV.

IN WHICH THERE IS MUCH RASH COUNSEL, AND SOME SAGE COUNSEL, FOLLOWED BY A PRUDENT CONCLUSION.

THE territory which comprises the State of Tennessee, like that which embraced ancient Gaul, is divided into three parts. These are officially recognized by the constitution and statute laws, and are there termed the Grand Divisions of the State. All that section lying east of the range of Cumberland Mountains is styled East Tennessee; that lying between this range of mountains and the Tennessee River is called Middle Tennessee; that lying west of the Tennessee River is called West Tennessee. The Supreme Court of the State is a perambulating body, sitting during the late summer and fall months at Knoxville in East Tennessee; during the winter months at Nashville in Middle Tennessee; and during the spring and early summer at Jackson in West Tennessee. When Johan Ankerstrom therefore appealed through his attorney from the sentence of the circuit judge inflicting the death penalty upon him, he by the exercise of this constitutional right suspended the execution of the sentence until at least the following December. The Supreme Court did not meet at Nashville until the first Monday of that month, and as it would find appeals awaiting it from every county in the middle division of the State the probability was that the Ankerstrom case would not be reached until some weeks later than the first of December, perhaps not until the spring of the following year, as the court at Nashville usually adjourned in April. Cross-eyed Jack could therefore afford to draw a sigh of relief when his lawyer informed him that although the unrighteous circuit judge might order him to be hung by the neck in one brief month from the death sentence, he had it in his power, without asking anybody's leave, to lengthen that month into almost, if not quite, a year. Many good people would die natural deaths in a year, and Johan Ankerstrom himself, if he had been correctly informed, would have to die sometime. Therefore



why should he foolishly worry now over a fate which certainly would not befall him till nearly a twelvemonth had rolled away, and which might never befall him at all. Hope springs eternal in the human breast, and the hangman's grip, which seemed to tighten about his throat when he heard the jury's verdict, now grew so lax that he swaggered and grinned as he left the courtroom, thereby winning for himself with some thoughtless people the reputation of being a very courageous sort of fellow.

Even if the brutal malefactor had been inclined to give way to despondency the buoyancy of his sanguine attorney would certainly have revived fading hope in his bosom.

"I tell you what," cried Palaver to a group of brother attorneys and others when court had adjourned, "I wouldn't have had it happen otherwise for the best horse in town. It's just exactly as it should be, and couldn't have turned out better if I had fixed it all myself. It will be next January at the very earliest before the Supreme Court can reach this case. Then they are dead sure to reverse—they couldn't help it if they would—and the papers will get back down here about next May. The clerk up there of course will not send us formal notice of the decision until after the minutes of the term are signed, which will be sometime in April. Having a lot of this sort of thing to do it will be May before he gets to us, so that the case will stand for trial again before a jury in this county at the June term next year. By that time the prejudice against my man will have died out, witnesses and everybody else will have lost interest in the case, and I'll get an acquittal as easy as winkin'. No doubt about it. Not a bit, I tell you; not a damned bit."

"Suppose, Colonel," asked a doubting Thomas, "the Supreme Court should affirm the verdict just rendered?"

"I'll suppose nothing of the kind, sir; nothing of the kind, sir. Nobody but an infernal fool would suppose anything of the kind, sir. Will the Supreme Court of this State eat its own words, sir? Will it overturn a line of decisions as long as the history of England, sir?"

"Our circuit judge is no fool," protested the individual who was inclined to take issue with the Colonel.

Colonel Palaver looked cautiously about him before replying. "Gentlemen," he began, lowering his voice to an almost confidential tone, "I don't wish to be disrespectful, but the old man's time is nearly out. Just at present, you see, he would rather be

reversed by the Supreme Court than bring down on himself the wrath of two or three hundred voters. It's all right though, gentlemen—a-ll-ll right. If my man was turned loose right now these Marrowbone fellows would kill him if they had to tear the court-house down to get at him. Next year he'll go forth a free man, and there'll be none to molest him or make him afraid. None to molest him, sir; not one, not one, not one. Not a single one, sir; not a damned one, sir. Mark my prediction, sir; mark my prediction. The State of Tennessee will board Johan Ankerstrom another year, and then he'll be at liberty to go wherever he chooses."

Teddy McIntosh and Templeton happened to be passing hurriedly through the lower hall of the court-house and heard the confident address of the lawyer to the group of bystanders about him. That is, they heard the most of it, but left in disgust before the lawyer ended, and soon had mounted their horses and taken their road homeward.

Palaver had another auditor, however, who was by no means disgusted with his remarks, but heard him eagerly, and most attentively, to the end. This was an old gentleman of brisk manner, who being on the outer edge of the assemblage, and little of stature, could neither see nor be seen by the speaker. While the lawyer was freely giving vent to his feelings, and making confident predictions as to what was going to transpire at the expiration of a twelvemonth, the agile old gentleman smiled, and smiled, and bobbed up and down like a supple jack, and spread his hands and worked his countenance into manifold expressions, all indicating hearty approval of the sentiments being uttered. When the attorney had concluded the little old man was no longer able to work off his enthusiasm by dumb show, but apparently felt impelled to voice his ecstasy.

"Hear de vords uff de vise man," he proclaimed as Palaver was leaving the court-house. "Hear him vot he say, shentlemun, for he speak de trute. A leetle vile de vicked vill perrosper. A leetle vile dey flourish like de ger-reen pay tree; den dey gits up-thrippped and down dey go. But de plessing off Cot vill pe upon de righteous man, and in de eend he vill holt his head up and valk proud. Mark dat, mine frients, mine coot Kerristian frients. It is de eend vot tells de tale. Pay me attention, mine coot Kerristian frients. Dis day you may pe in deep throoble, but vait for de eend, vait for de eend. Pime-py terreckerly you pe

free as de 'appy pird. Zo, mine frients, let effry man pe coot. It is de best vay. Let him luff his neighbor and keep all de ten coommanderments, and de plessing uff Cot vill pe upon him, and de Shuper-eme Court uff de State vill stand py him."

As the little old gentleman delivered this heartfelt though slightly scattering address, a few of those who heard him whispered to others that he was the father of the individual that had just been convicted, and moreover that he was a very pious old man, highly esteemed in the country from which he hailed.

Teddy McIntosh and Templeton, as they journeyed homeward, fell naturally into discourse upon the long trial, and the appeal from the verdict of the jury, and the lawyer's confident prediction as to what the outcome of this appeal would be. They were both disheartened at the certainty of another year's delay, and by the strong probability, as they thought, that the murderer of the widow Bascombe would eventually escape the gallows.

"What's the use of waiting any longer?" cried Teddy McIntosh impatiently. "Didn't you hear what that infernal old lawyer said? Another full year must roll round, and at the end of that time the chances are ten to one that Cross-eyed Jack will go scot free instead of being made to suffer for his devilish deed. Things are going to the bad in our country because all the rascals, black and white, have concluded they can't be punished. I say let's prove to 'em that a monstrous crime like the murder of the widow Bascombe can be punished, and will be punished, if not by lawful means then by good citizens outside of the law."

"I'm half inclined to agree with you," replied Mr. Bob Lee Templeton. "Once I was dead against you fellows for assuming to take the law into your own hands, but now I see you have a good deal of reason on your side. That was a dreadful mistake in the Kinchen matter, but if we'd had our klan organized then Kinchen wouldn't have been hung."

"True enough," responded Teddy. "We did go off half cocked that time, as you say, but nobody can accuse us of being in too big a hurry if we throttle Cross-eyed Jack a year after the old woman he murdered has been put under the ground. His crime has been most abundantly proven in open court. Twelve jurors have set on him, and pronounced him guilty; the old judge has sentenced him to be hung; and still, it seems, the law can't make up its mind to choke the wind out of him. I'm ready if the law ain't, and I say if we're ever going to do anything the time has come for us to act."

"I'm strongly inclined to be with you," cried Mr. Bob Lee Templeton.

"When I thought of that baboon-looking devil striking down the good old widow Bascombe in the middle of the night, and running Miss Sue off to the woods barefooted, I was a mind to pistol him right there in the court-house. And I'm a mind now, by Jupiter, to make cold meat of the black-hearted scamp just as soon as ever, by fair means or foul, we can lay hands on him."

"I'm with you," cried Mr. Bob Lee Templeton.

"Then we'll get five of our men to sign a petition asking the Grand Cyclops to call a meeting of the klan. At that meeting, no matter what Ran Pearson may say, we'll detail a dozen trusty fellows to take this murderous Dutchman out of jail and hang him. I'll be one of the dozen."

"How shall we get him out of jail?" inquired Templeton.

"Where there's a will there's a way," responded Teddy. "If folks are in dead earnest they can do most anything."

The speaker being in dead earnest it was not many days before a request in writing, signed by the requisite number of members, was presented to the august individual styled The Grand Cyclops of the Klan, asking him to call a meeting of the brotherhood to consider business of pressing importance. In about two weeks they assembled on the summit of Dead Man's Knob, and with much earnestness debated the question that McIntosh presented for their consideration. The remarks made by lawyer Palaver were faithfully reported and commented upon with much asperity. There was intense indignation in the community now over the law's delay, and a profound conviction, whether well or ill founded, that the verdict recently rendered would not be permitted to stand, but would be reversed upon one of those legal quibbles which were always available to shrewd attorneys who were employed to shield the guilty. Even if it was certain, it was urged, that the judgment against Ankerstrom would be affirmed it would be much better to send him out of the world at once, and thus teach a wholesome lesson to other tramps and vagabonds who were prowling about the country, and who were fast being educated into the idea that they could commit any kind of outrage with impunity. But as it was more than doubtful what the decision of the supreme tribunal of the State would be, it was certainly incumbent on those who had banded together for the suppression of crime to assume the re-

sponsibility for the punishment of this guilty scoundrel, and not wait a year longer in the hope that the law might at the expiration of that time see fit to execute its own mandate.

Pearson and his two coadjutors listened gravely while speedy action was being urged, and so vehement was the demand that the klan should not procrastinate longer, that it was difficult for the three judicial officers to stem the torrent of indignation and announce unequivocally that they would give their sanction to no action in the Ankerstrom matter until after the decision of the Supreme Court. Trying as the delay had been Pearson was decidedly of opinion that the murderer of Mrs. Bascombe should not be taken from the custody of the law and hung by an irresponsible body of men until it was plainly demonstrated that punishment would never be administered through the regular legal channels. He deemed it inexpedient, however, to proclaim such a determination just now, and after a somewhat protracted conference with his colleagues announced it as their joint conclusion that a committee of three discreet persons be appointed, whose duty it should be to ascertain all the surroundings of the prison where the murderer lay confined, and further, after investigation, to devise means by which—if such course should be subsequently determined upon—the klan might obtain control of the person of the prisoner to the end that he be properly dealt with. Pearson further said it was a very grave step they were about to take, or that they were considering the propriety of taking, and he himself would as speedily as possible make inquiry of certain of his acquaintances well versed in the law, and get their opinion of what the decision of the Supreme Court in the case probably would be. He was inclined to think that little weight should be attached to the braggadocio talk of the lawyer employed to save the prisoner from the punishment so richly deserved, but before he spoke with assurance on this point he would like to be better informed than he was at present. In the meantime the committee suggested might make thorough investigation, and be prepared to report at a subsequent meeting of the klan, so that if any action was then determined upon it might be prompt and efficient.

This conclusion, or advice, was by no means satisfactory to the impatient men who now longed to wreak vengeance on Ankerstrom, but they accepted it, as it pointed to a time not far distant when summary action would be taken, and also set a few of their

number to the work of preparing the way for such action whenever it was determined upon. Pearson was convinced that their wrath would be in a measure appeased if he could postpone the time for announcing a positive conclusion, and could set a few of them at work in the interim, and thus his main purpose in making the suggestion for a committee of investigation was accomplished. The Grand Cyclops appointed a committee of three, with Teddy McIntosh at the head, and the klan adjourned to meet again a month later at a point different from the one at which most of their former meetings had been held. Some whisperings had gone abroad concerning the assembling by night of men and horses on Dead Man's Knob, and it was thought advisable, at least for a while, to shift the place of rendezvous to some other spot situated farther back in the recesses of the Marrowbone Hills.

## CHAPTER XXV.

LAWYER SLOWBOY DISPLAYS GREAT SHREWDNESS AT THE HORSE MARKET AND THEN CALLS UPON A LADY ACQUAINTANCE.

ONE soft summer evening when the moon was at its fullest and brightest, Miss Sue Bascombe had left the dwelling which was now her home, and gone for a quiet stroll down the shady and winding road that led away from the premises. Daylight had not as yet died away, but the risen moon shed such a splendor from the east that its rays were fast gaining the ascendancy over the fading gleams which the departed sun was still struggling to cast from the opposite horizon.

Sue was not of sentimental turn, but she could not fail to be impressed, as she wandered alone through shade and softened light, with the surpassing beauty of the surrounding scene. From some not distant wheat-field the rich note of the partridge came, lamenting perhaps that the ripened grain above its nest had been cut and its little ones scattered abroad to seek safety. Blending with this mellow call the plaintive cry of the whippoorwill, that lover of the twilight, rose so near as almost to startle her while passing close to a thicket of tangled undergrowth that skirted her path. She paused here, and stood hesitating whether to continue her walk or return to her dwelling, when she heard the sound of a horse's feet in the distance. The house in which she dwelt stood a half mile or more from the main highway, and she knew that the approaching rider, whoever he was, must draw rein at her own door, for the course he was pursuing could lead him nowhere else. She was a quick girl, and so well acquainted in her own locality that she knew the step of nearly all the roadsters thereabout. She bent her ear now to detect if possible what particular animal it was coming toward her, but for a while was puzzled to determine. It was not Ran Pearson's horse, for the usual gait of that animal was a running walk, while this quadruped was certainly pacing, and pacing very deliberately. It was not the saddle nag of Teddy Mc-

Intosh, for Teddy nearly always went in a canter when he wasn't riding faster. It was not a little negro on a mule, such as were frequently sent on errands from neighboring farms, for this was no mule's gait, and besides these persistent youngsters always clucked loudly as they came along.

The dim figure of the approaching steed could now be discerned a little way off, and Sue after scanning it as best she could concluded the rider must be some old lady of the vicinity who was thus pacing in leisurely fashion toward her on a gentle farm nag. She was at a loss, however, to conjecture what particular old lady it could be, and what urgent call could take her away from home at this unseasonable hour, and—as country folk are usually a little shy—she stepped a few feet off from the roadside so that she could inspect the equestrian on nearer approach without being herself observed. As the new-comer drew nigh, and was about passing the spot where she stood in the thick shadow of the foliage, the ambling steed suddenly got a glimpse of her and shied so abruptly that the rider, taken unawares, tumbled to the ground. Sue then saw that it was not an old woman but one of the masculine species, and as the discomfited individual arose from the earth and began brushing his trousers legs with his hand, she was astonished to find standing before her the youthful attorney who had taken notes of the evidence in the Ankerstrom case, and had made, as she thought at the time, quite a sensible speech in behalf of the prisoner. Sue Bascombe was a youthful female of ordinary acuteness and she had not failed to discover during the progress of the long trial that the eyes of Mr. Slowboy were frequently upon her, and that they were usually admiring glances which he cast in her direction. She had noticed while she was on the witness stand that he from time to time suggested queries to Palaver to be propounded by the latter gentleman to her, and at one stage of the investigation, by consent of the attorney-general, he, Slowboy, had himself directly interrogated her with the view of drawing out more fully some point that he thought should be impressed upon the jury. After that he usually bowed to her when he came into the court-room after recess, and when he met her on the street, but beyond these mere formal courtesies their acquaintanceship did not extend. That she would afterward encounter him alone by twilight in the heart of the Marrowbone Hills did not enter at the time into her contemplation, nor was it at all among her thoughts on this occasion until he awkwardly tumbled from his saddle before her eyes.



What any other young lady would have done under the circumstances I am not prepared to tell you. What Sue Bascombe did was very natural, though perhaps not very polite or very kind under the circumstances. She threw back her head and laughed so heartily that she might have been heard three hundred yards away at the dwelling house, if matters had been quiet in that quarter.

Mr. Slowboy at once left off brushing his breeches leg and shied almost as vigorously as his nag had done a minute before. The young lady, perhaps concluding that she had been guilty of an uncivil act, now stepped into the open roadway, extending her hand graciously toward the embarrassed guest. "Why, Mr. Slowboy," she said. "Who'd have thought it?"

"I wouldn't," replied Slowboy with commendable candor, but forgetting to raise his own hand in response to her proffered courtesy. "I assure you I was not expecting it at all."

At that Miss Bascombe did a second time what perhaps was very natural, but not very kind or very civil. She laughed again so heartily that she was compelled to bend forward quite low as she did so. Then recovering herself she straightened up and again extended her hand. "You must excuse me," she said to the confused visitor, "but really one does not see a feat of this sort performed very day. I was not laughing at you, Mr. Slowboy. I was laughing because—you understand——"

"I do not understand," replied Slowboy positively. "I assure you I do not. Have the kindness to explain yourself."

"Catch your horse and I will," replied the young lady, who by this time was mistress of her emotions.

Slowboy went after the animal, which was standing patiently a few yards away, and Sue Bascombe had a few moments for reflection. "As we seem to be going the same way, suppose we walk together," she said when he returned with his horse. Then she bent her steps homeward, the gallant youth proceeding by her side.

"You said you were not laughing at me," said Slowboy by way of opening up a conversation.

"Yes, I said that," replied Miss Bascombe.

"Have the kindness to explain then what you were laughing at."

"There is a difference, as no doubt you can see," replied the damsel, "between laughing at an individual to his face, which

would be very rude, and laughing at a ludicrous occurrence without reference to the individual that happened to take part in it."

"Your distinction is not well taken," said the attorney. "If a ludicrous mishap befalls an individual, and you laugh at the mishap, you necessarily laugh at him, for he is of necessity so connected with the mishap that the one cannot be separated from the other."

"I do not see it that way," replied Miss Bascombe dryly.

"I can demonstrate the correctness of my position to your satisfaction," responded Slowboy. "If the individual had not been connected with the mishap there could have been no mishap. You cannot carve—legally speaking—two separate and distinct things out of the one transaction. The individual by himself, it may be assumed, would not be provocative of mirth. Being on horseback, however, and unexpectedly losing his balance, he is constrained to assume an attitude which, it may be conceded, is the reverse of graceful. Catching the eye of a beholder in this unbecoming posture the beholder breaks into a loud laugh. Now, it is too plain for argument that the merriment is at the expense of the unlucky individual. You cannot be heard to say, nor by any sophistry can the position be maintained, that it was not the man, but the misfortune that befell him, which provoked the mind of the beholder to mirth."

"Well, then, I laughed at you," replied Sue. "But if you had not assumed the ungraceful attitude I would not have laughed, so after all it was your fault and not mine."

"Not so, not so," rejoined the attorney. "Laughter, or any expression of enjoyment, is never excusable when based on the suffering or misfortune of another. An Indian will laugh at, and dance round, the victim who is being burned to death at the stake. He gloats, so to speak, on the pain his fellow creature is compelled to endure. When a civilized man or woman laughs at a painful accident that befalls one of the human species, it is a lingering trace of barbarism in his or her nature that excites to mirth and extracts a pleasurable emotion where only sympathy should be felt."

"Well, then," replied Sue, "I did wrong in laughing at you, and I ask your pardon."

This mild admission on the part of the young lady had the double effect of soothing the mortified vanity of Mr. Slowboy,

and putting an extinguisher upon the struggling conversation. The lawyer, while studious and inclined to cogitation, was not colloquially gifted, and moreover when he essayed the rôle of beau he was venturing upon entirely new ground. I say the rôle of beau because any person of ordinary discretion who peruses this chronicle will understand that Slowboy on the present occasion had not stumbled accidentally upon the dwelling place of Miss Bascombe, being a chance wayfarer in that vicinity, but had directed the steps of his pacing nag toward her habitation, if not—as the lawyers say—with malice prepense, at least after mature deliberation and premeditation. To be sure, later on in the evening he explained to her that being in Nashville on legal business, and having there purchased a valuable and trustworthy animal for family purposes, he had concluded to ride through to his home on horseback, rather than ship his new purchase by rail and travel himself by the same conveyance. This was what he said, and Sue, being a girl of no little gumption, understood precisely how much truth there was in the story and how much fabrication.

The fact was Solomon Slowboy had planned the whole neat scheme in his office before ever he left his place of abode. Sitting musingly there one afternoon, when he should have been studying his book, he had artfully invented a smooth pretext for visiting the girl who had drawn such a creditable diagram on the dirty court-room floor and had explained all the lines and dots thereof with such mathematical precision. This scheme he had contrived all out of his own head and had successfully executed up to the point of tumbling from his horse, which feat, I need not explain to the reader, was no part of the original program.

At the moment when the author side-tracked his narrative for the above interesting digression Miss Bascombe and Mr. Slowboy, as will be recalled, were walking slowly down the grassy country road that led to the residence of the former. The horse had shied, Mr. Slowboy had come to grief, the young lady had laughed aloud, the lawyer had become a little incensed, suitable apology had been made, and his mortified vanity had been soothed. So far so good, but meantime the particular vein of talk they had been following was exhausted, and if it had devolved on Mr. Slowboy to open and follow up another, the conversation itself must have utterly perished. This fact becoming

painfully manifest after a few minutes' walk, the party of the second part—to wit, Miss Bascombe—relieved the growing embarrassment by propounding the following query:

“Mr. Slowboy, how's your mother?”

“She is, I thank you, in the enjoyment of her usual health,” replied Slowboy. “How did you know I had a mother?”

“Oh, that was easy to tell. You came into the court-room the first day of the trial with your coat and hat neatly brushed, so I knew some good woman was looking after you. You spruced up considerably when you found a young lady among the witnesses, so I saw you wasn't married. And one day I noticed a pleasant-faced middle-aged lady regarding you with fond admiration from behind the bar, and I set her down at once for your mother.”

“You were right,” cried Slowboy with enthusiasm. “It was my mother, and the very best mother, I venture to say, Miss Bascombe, that ever a man had upon this earth. Why, you would grow tired listening if I should undertake to tell you just how much my mother does for me every hour in the day, and every day in the week, and every week in the year. She not only brushes me up every morning so as to make me look spruce—that is, of course, you know, Miss Bascombe, as spruce as such a person as I can look—she not only does that, but when I go home of evenings I find my slippers ready for me, and my studying gown, which she made with her own hands, and if it be at all cool or damp there is, you may depend upon it, a snug fire in the grate. My mother is a very active person, a very active person indeed for one of her years—and she's not so mighty old neither—and what with dusting, and cleaning, and looking after the cook—we keep a cook now—and doing a thousand other things, she never has an idle moment, I can tell you.”

So Mr. Slowboy went on, and it was soon evident that Sue's query—which at first blush might have seemed *mal à propos*—was the very thing to set him going, and to keep him going until he warmed up, and wore off his reserve, and was ready for rational discourse on other and general topics. By the time they reached the house they had grown to be almost chummy, and so promptly did ideas rise up in the mind of the young lawyer, and so readily did those ideas find utterance in language, that the family sitting out on the front porch wondered what glib-tongued stranger it was nearing the premises. Sue introduced him as her

friend Mr. Slowboy, and he shook hands all round with ease and grace, and was no more embarrassed, I assure you, than you or I would have been, who of course have been used to genteel company all our days.

After supper—for come they strangers or come they kin, there is free entertainment for man and beast at nearly every old-fashioned Southern farmhouse—Mr. Slowboy was ushered into the company room of the mansion, where he found the walls liberally decked with pictures of General Lee and Stonewall Jackson and other mighty men of valor who have passed away from earth after earning for themselves, by deeds of prowess, the gratitude of posterity. Then followed discourse of a rational and improving nature, dashed now and then with a little chit-chat for seasoning. There was some bantering—for close friends, you know, can afford to be a trifle free at each other's expense—and toward the close of the evening a little serious talk that verged on the sentimental. Mr. Slowboy, who was deep and hard to circumvent, skilfully probed the young lady's mind to ascertain in the most delicate way possible whether this or that individual, of whom he had heard talk, stood particularly high in her estimation. He incidentally lugged Mr. R. L. Templeton into the conversation, and was pleased to learn that this youth was considered rather light-headed and frivolous, and moreover was desperately in love with a certain Polly Habersham, who dwelt a half dozen miles away. After making a conversational circuit, so as to take the mind of the young lady entirely away from this and kindred topics, he came round again, and this time learned, without her ever having suspected what he was up to, that Teddy McIntosh was kind-hearted and a frolicksome boy, but just only a boy, you know. Thirdly, and lastly, after another considerable detour he managed to introduce smoothly and naturally into the talk the name of Randolph Pearson. He found here that there was really no apparent interest at all. Mr. Pearson stood well among the neighbors, and was no doubt a correct man in his business dealings, but he was dreadfully set in his ways, and of late years getting to be quite a recluse. A man, said Miss Bascombe, might live by himself, and for himself, so long that he would lose not only all relish for the companionship of others, but all fitness for such companionship, and to this sad complexion Randolph Pearson had come at last. Thus Mr. Slowboy, who, as the reader has perceived, was much

more artful than a body would have thought to look at him, managed to ascertain precisely the trend of the lady's mind in all these important particulars, and at about ten o'clock concluded to bring the pleasant evening to a close. He had heard his mother say that when you called on a young lady it was both bad manners and bad policy to remain long enough to weary her, and therefore he wisely determined to withdraw while—as the saying goes—his credit was up. When he heard the premonitory click of the clock, serving notice upon him that it proposed presently to strike the hour of the night, and looking up saw the long finger on the dial creeping close to the figure 10, he rose from his seat, and remarking that he had no idea it was so late, extended his hand with the view of bidding the young lady good-by.

"Why," said Sue, "you are not going to leave us to-night? We don't call it a visit in the country unless you have taken at least two meals with us, and had a good sound nap under our roof."

"As for the meals," responded Slowboy gallantly, "I've had one, and that convinces me thoroughly of your excellent house-keeping; and as to the slumber, or nap as you term it, under your roof, I'm not quite sure that I would sleep much if I were to remain till morning."

"Indeed?" responded the young lady.

"Because," pursued Slowboy, "it is a well-understood fact that pleasurable emotions tend to excite the mind, and thereby induce a state of alertness, instead of that sense of composure which lulls the faculties into slumber."

"Very true," replied Sue, "but it's twenty-seven miles to Coopertown, and surely you're not going that far to-night?"

Then the visitor informed her that he had business at a little cross-roads town a dozen miles farther on, and as the moon was bright, and the night pleasant, he had resolved to ride that far on his journey, dispatch the matter in hand next morning as soon as the folks were astir, and then proceed homeward before the heat of the sun made the day oppressive.

"You know the road?" inquired the young lady.

"I have but to get back into the beaten highway which runs within a half mile of your house, and following that I cannot get lost."

"It will take you across Paradise Ridge, and over some very rough country."

"I can travel it," replied Slowboy. "Don't forget I was country raised."

Sue seemed to hesitate a while, then she inquired: "Mr. Slowboy, have you a pistol?"

"No indeed," replied the attorney. "It's against the law to go armed."

Sue Bascombe: "Yes, I know it, but a man traveling these hills at night ought to have a pistol. Self-preservation is the first law of nature."

Solomon Slowboy: "Why, you don't think there's any real danger, do you?"

Sue Bascombe: "I can't say whether there is or not. But curious tales are told about these hills, Mr. Slowboy."

Solomon Slowboy: "What for instance?"

Sue Bascombe: "Why they say all manner of things. They tell some tales that would make your hair rise right up on your head. But I don't want to excite you, as you are going to ride."

Solomon Slowboy, stoutly: "Yes, I'm going to ride, and I expect to encounter nothing more disheartening than the loneliness of the route."

Sue Bascombe, hesitating again: "Well, I hope you are right, Mr. Slowboy. But I ought to tell you there are rough men in these parts. And I ought to tell you, Mr. Slowboy, that strange sights have been seen along the very road you are going to travel. I'm not superstitious, but one can't utterly disregard statements made by reliable witnesses. Once upon a time not very far from here the Bell Witch played some most remarkable pranks; and they tell me that sometimes about midnight on lonely roads up in the Marrowbone Hills witches, ghosts, hobgoblins, what you choose, can be actually seen and heard performing some sort of ceremony that no human being understands."

Solomon Slowboy: "Why, you are not afraid of ghosts, are you?"

Sue Bascombe: "I can't say I'm afraid of them, but still many unaccountable things do happen, Mr. Slowboy. Spiritualism has many intelligent believers in this great country and elsewhere. You've read of Lord Brougham's case, haven't you?"

Solomon Slowboy: "Yes, yes. Just an overheated imagination."

Sue Bascombe: "Maybe so. Then there was the Bell Witch in this very neighborhood. It disappeared many years ago, but

some folks think it has come back and brought other spooks along with it. I tell you what, Mr. Slowboy, if I was going your road to-night, I'd slip a pistol in my pocket, law or no law."

Solomon Slowboy: "What good would a pistol do in case of spooks?"

Sue Bascombe: "In case of interference it would enable you to tell whether the thing obstructing your way was human or not. You are going a lonely road, and I'll lend you my pistol so that you may be prepared for any emergency."

Solomon Slowboy: "Do you keep a pistol?"

Sue Bascombe: "Why, to be sure. You don't suppose a girl would live up here in the Marrowbone Hills and not keep a pistol, do you?"

With that she left him, and proceeding up the stairway was absent several minutes. When she returned she handed him a small Smith & Wesson, which she assured him was accurate. Slowboy, thinking he might encounter some danger along the road, accepted it and dropped it in his side pocket.

"Put it in your hip pocket," said Miss Bascombe. "It's handier to get at there."

Slowboy made the necessary transfer, and his lady friend further instructed him. "If you have to shoot," she said, "remember to raise your pistol high and pull trigger as it lowers as soon as the object in front darkens your view. Be perfectly steady, and keep your forefinger on the tip of the trigger. That will make it go off easy."

"You understand it, I see," replied the guest.

"Indeed I do," said Sue Bascombe. "If I'd had a pistol the night of the terrible tragedy at our house you would never have been employed as counsel for Ankerstrom."

Solomon Slowboy looked at her admiringly. "She's a brave girl," he thought. "She'd have made a noble wife for one of the early pioneers of this country when the Indians were prowling around." Then he looked at her again. "She's very handsome," he thought. "She wouldn't make a bad wife for Solomon Slowboy, if mother was willing to the match."

When he got to the door Sue handed him a sealed envelope, with no direction on the back. Instead the figure of a human hand had been drawn upon it in red ink, the thumb and little finger closed, the other three fingers extended. "I reckon you'll think I'm foolish," she said, "but this paper contains a charm



that my aunt's grandmother said was powerful against witches. If you do not have occasion to use it you must mail it back to me as soon as you reach home. If you get in serious trouble on the way say a short prayer over to yourself and hand this paper to the next who approaches, human or hobgoblin."

Solomon Slowboy looked at her again, and her face was quite serious.

"This is very singular," he remarked.

"I know it is," replied Sue Bascombe.

He took the paper and placed it in his side pocket. "I will mail it back to you to-morrow morning from home," he said.

"Don't fail to do it," was her reply.

Then he shook hands with her very cordially, and she invited him to come back again. He promised her faithfully to do so, and Solomon Slowboy was a person who usually meant what he said. When he went out into the night Sue Bascombe locked the front door behind him and took her way upstairs, humming a quiet tune to herself.

## CHAPTER XXVI.

MR. SLOWBOY TRAVELS A LONELY ROAD BY NIGHT, AND SOON FINDS HIMSELF IN DECIDEDLY QUEER COMPANY.

SOLOMON SLOWBOY, chewing the cud of pleasing fancy, paced for an hour or more along the moonlit highway that led to the cross-roads village where it was his purpose to obtain lodging for the night. The route he was now pursuing ran up and down hill, but on the whole was not so difficult to travel as he had apprehended from the description of Miss Sue Bascombe, who had warned him that he would be compelled to journey through a rough country. The obstacles in his path were less noticeable too, he concluded, from the fact that the gray mare under his saddle was sure-footed and evenly gaited, and as she bore him smoothly onward he became more thoroughly convinced that he had driven a good bargain when he purchased her.

The fact was—as I think I took occasion to remark in the last chapter—Solomon Slowbow was a much shrewder person than a body would have supposed to look at him. When he went upon the horse market at Nashville with the view of making an investment, he was not content, as many a blundering ignoramus would have been, to close a trade for the very first plug he came across. Instead of that he kept looking and making inquiries until he finally laid eyes on a certain gray mare in a certain stable that seemed somehow to suit his fancy. When the dealer saw him viewing the gray mare with a critic's eye he came forward and remarked to Slowboy politely that he observed he was a fine judge of horseflesh. "Forty men," said the dealer, "have passed that mare without special notice to-day, but you discerned that she was a very superior animal as soon as ever you entered the stable."

"Why, so I did," replied Solomon Slowboy, pleased at the compliment to his penetration. "Those other forty gentlemen you speak of had of course the right to consult their own tastes

when they went upon the horse market, but I was struck with this animal here just as soon as I examined her points."

"Well, you have taken a fancy to about the best horse in the stable," said the dealer, "and it's a fine thing you happened along on this particular day of all days in the year."

"How is that?" inquired Slowboy.

The dealer then informed him confidentially that the gray mare was the property of a gentleman in the vicinity who was in great stress for money, and was willing therefore to part with her at a ruinous sacrifice. By waiting another twenty-four hours the gentleman might hope to get almost double what he now asked for the animal, but the money had to come on the very day which, as luck would have it, Slowboy had selected for his visit to Nashville. Slowboy next inquired if a lady could ride the mare with safety, informing the dealer that he had a mother at home, who, though not an accomplished equestrienne, liked to take little horseback jaunts to the country now and then. As luck would have it again the gentleman who was in great stress for money had a maiden aunt whose habit it was to take a long ride every day on the back of Martha Washington—that was the mare's name—and who even now was making a frantic endeavor to pawn her valuable diamond ring rather than part company with the cherished animal.

Slowboy at this felt some scruple about robbing the lady of her treasure, but the dealer reminded him that somebody would be the purchaser that day, and that he had as well be the lucky man as another. To make a long story short, the lawyer then purchased the gray mare without more ado, and though the figure was higher than he expected—seeing the mare was being disposed of at a ruinous sacrifice—he paid the dealer's demand in spot cash, and a short while later was pacing out of the capital city of the state astraddle of Martha Washington, and seated moreover in a brand new saddle which creaked so loudly as he went that it somewhat embarrassed him. He proceeded homeward with the gray mare and the creaking saddle, till he reached the abode of a certain damsel in the hills, and, after a pleasant intermission there, was again pacing, as we know, leisurely along his homeward road.

Now, as Solomon Slowboy went on and on, up hill and down hill, he thought of his estimable mother, and could see her in his mind's eye walking round and round Martha Washington, admiring the symmetry of her limbs, and having the old family

side saddle strapped to her back to see how it fitted. As he thus mused he thought of the ugly trick the mare had played him that evening in unseating him right in the presence of a lady, and wondered if she might not cut some such caper when his esteemed mother was atop of her. Then he remembered the criticism which Miss Sue Bascombe had passed on herself for hiding out in the bushes close to the roadside when a rider and horse were passing, and thought how generous it was in her to assume the entire responsibility for the mishap instead of saddling a considerable share of the blame, as she unquestionably might have done, upon himself and Martha Washington. Miss Bascombe having been brought thus naturally to the front, his imagination dwelt fondly for a while upon her many graces of mind and person. He congratulated himself on his shrewdness in eliciting from her, without her ever having suspected his purpose, the important information that she was heart whole and fancy free, and ventured to cherish the hope that after his own acquaintance with her had fully ripened perhaps the same could not be truthfully said of her. Then he went over again, for he had an excellent memory, all the little incidents of the pleasant evening that had just closed, the profound remarks submitted by Solomon Slowboy, her appreciative responses, and just precisely how she looked when he said this or that. We are told that when fancy makes the feast it costs no more to have it fine, and it was a delightful entertainment indeed to which Solomon Slowboy treated himself as Martha Washington paced evenly along the moonlit highway upon that balmy summer night.

When he had gone over the enjoyable features of his visit again and again, and the exquisite pleasure of recalling them was somewhat dulled by repetition, he bethought him of the singular conversation that had passed between himself and the maiden just as they were on the eve of leave-taking. What did a sensible girl like Sue Bascombe mean by all this talk about ghosts? How did she happen to find out about the mysterious experience of Lord Brougham, who in his autobiography records the fact that he encountered the ghost of a departed friend in his bath-room, just as he was rising, divested of his raiment, from the tub? And this confounded Bell Witch, too, that she had lugged into the conversation; strange tales had been told concerning that spook, or whatever it was. Strange tales, strange tales. Slowboy

had heard them from his mother, who had heard them from her mother, who was a good church member, and in the matter of the Bell Witch knew whereof she spoke. How curious it is that such wild tales should obtain credence and pass for truths among sensible people! But when one came to think of it there really was no clear dividing line between the knowable and the unknowable, the natural and the so-called supernatural. The ghosts of which we have so many well authenticated instances may all have been conjured up by diseased imaginations, but who can say some of them were not real visitants, permitted for a special purpose to return to the walks of men? "There are more things in heaven and earth, Horatio, than are dreamed of in thy philosophy."

By this time Martha Washington had put several miles of road behind her, and the route was through a more broken country than any Slowboy had yet traversed. Streams became more frequent, and often the road ran up the bed of one of these. Now and then a deep hollow formed part of the way, and almost pitch darkness reigned here, for the moonbeams could not penetrate through the thick canopy of leaves and branches that closed in overhead. Slowboy was by no means a coward, yet he could not help feeling a little nervous when he found himself groping through a silent wood alone, and far away, as well as he could determine, from all human habitation. Once or twice he fancied he heard some one riding behind him, and checked Martha Washington to ascertain whether such was really the case. Either there was no one on his track, he discovered in each instance, or the person who was following him stopped whenever he did. Now he reached better ground, where there was a little help from the moonlight, and was pushing his way more briskly along this when he was startled by a deep groan that came from the roadside a few feet in front of him. He at once brought his mare to a dead stop and waited in the highway to listen. A second time the groan came, and it was evidently the groan of a human being, and one, too, in great agony. Slowboy advanced cautiously a short distance and halted again. A third time he heard the groan, and it was unmistakably the plaint of some poor expiring wretch not immediately on the roadside, but a little way off in the wood.

"Whoever you are," cried Slowboy in the darkness, "I'm ready to help you if you stand in need."

Nothing but silence greeted this friendly offer, and Slowboy a second time lifted his voice in the darkness.

"You seem to be in distress. I'm ready to help you if I can." Then he heard the deep groan once more, followed by a very faint voice from the wood: "Come, for God's sake."

Without more ado Slowboy pushed his mare into the wood and endeavored to reach the spot from which the voice proceeded. Soon both he and his mare became entangled in the long green creeping briars that twine so luxuriantly among the trees and branches in that part of the country. Martha Washington plunged, scratched herself and rider, then retreated rather precipitately back into the road. Nothing daunted in his praiseworthy resolve Slowboy dismounted and tied her to a limb which he could dimly discern, for it was not pitch dark in the highway. This done he started on foot into the wood and penetrated a short distance cautiously. "Where are you?" he cried to the unknown individual whom he was seeking to reach.

"Here," responded a weak voice only a few steps off.

He made his way to the spot from which the sound proceeded, but could find no trace of the wounded man whose desperate condition he was seeking to relieve. He stood and listened, but not a sound near him could his strained ear catch; not even the heavy breathing of a creature in distress. He waited in dead silence for a few moments, and then in some trepidation lifted his voice again. "Where are you?" he inquired softly.

A dismal groan came in response to this inquiry, but the creature that uttered it was now some distance off, and, as he could tell by the sound, on the opposite side of the roadway which he had left. Alone in a dark wood, in a strange country, and subjected to such an experience, it is useless to say that the lawyer felt nervous. Still, he said to himself, it must be the prank of some foolish practical joker, and without further effort to discover the individual he had gone to seek he made his way with considerable difficulty back to the road. As he reached the shadowy highway he detected the dim outline of his mare close at hand, and, approaching nearer, was astonished to find there was a man in the saddle.

"Ahem," ejaculated Slowboy, after standing a few seconds irresolutely in the highway.

The man who had usurped his place sat upright in the saddle, maintaining perfect silence. There was, as said, a little glimmer of light in the road, and by its aid Slowboy could see the face of him who bestrode Martha Washington. It was as white as a piece

of chalk, and the head was held so erect that the countenance of the stranger was directed apparently toward some object in the distance considerably above the level of the earth. The individual who thus ignored the lawyer's presence was also, as Slowboy could tell on slight inspection, very slim of figure, and the tallest person he ever remembered to have met.

As the attorney stood in the road and silently gazed at the mysterious tall man sitting in his saddle the case of Lord Brougham came back to his mind, but he could not recall having made a compact with any friend by which the first of the two who shuffled off this mortal coil should return to earth and make himself known to the other. It occurred to Slowboy also as being a little singular that Martha Washington remained so perfectly quiet with a spook in the saddle. Then he reflected that the spook, if such it was, had no specific gravity, and therefore Martha Washington probably was not aware of the fact that there was anything at all atop of her. As he turned over these matters in his mind the tall man with the very white face reached out a very long arm and slowly beckoned Slowboy to draw nearer. At the same moment Martha Washington turned, and at a deliberate gait walked off down the road. The tall man in the saddle continued to beckon to Slowboy, thereby indicating plainly enough that it was desired he should follow after.

Solomon Slowboy was no coward, nor was he a man to lose his head in a sudden emergency. When he saw the mare walking away he was strongly tempted to pull the pistol which Miss Bascombe had loaned him, and take one crack, hit or miss, at the rider who had so coolly appropriated his property. Then he reflected that this rider, whether human or diabolical, had not made any such demonstration against him as would justify a deadly assault on his part; and moreover that—whatever might be his character—he almost certainly had associates near at hand who would take part in any affray that might arise. Reflecting thus he refrained from drawing his pistol, and his next impulse was to take to his heels and leave Martha Washington for the remainder of her life in the hands of the taciturn stranger who seemed to have taken such a violent fancy to her. This impulse also he rejected, not only because he deemed such a course would be unbecoming a brave man and a rational creature, but upon the further consideration that they would be almost certain to catch him if he ran. The long arm of the stranger continued to beckon as Martha Washington

proceeded slowly down the road, and Slowboy, resolved to see the end of so curious an adventure obeyed the behest and followed after. Upon the supposition that the stranger was human his conduct was utterly unaccountable; upon the supposition that he was not of earth's mortal mould, it might be conjectured that he had business of importance with the attorney, the nature of which he was not permitted to communicate except at a certain spot and in a certain way. Upon either supposition all that remained for Slowboy to do was to follow on with as stout a heart as possible and await developments.

The unknown rider proceeded at a gentle walk for a short distance along the same route that Slowboy had been pursuing; then Martha Washington diverged to the left, and presently began to climb a rugged hill that rose a little way off from the highway. It was not very steep, and soon the summit was reached, and the gray mare began to descend upon the other side. The lawyer followed without difficulty, for he could not only hear her footsteps, but could distinguish her figure dimly in the darkness. At the top of the hill he halted as if uncertain whether to follow longer, but the gray mare halted too a few steps in advance, and he fancied he could see the long arm of the silent rider beckoning him to approach. When he started again the mare started, and he resolved to display no more hesitation, but to win if possible the good will of the mysterious being ahead by obeying its summons with alacrity. They were now again in a dense wood, and the lawyer pressed close upon the heels of the mare for fear of losing sight of her. It was not many minutes before they began descending a deep hollow with a high ridge on either side. Leaving this the mare picked her way slowly up the rough acclivity on the left, and as she did so Slowboy observed that the space above and immediately in front of him was illuminated by a faint ruddy light. Reaching the summit of this ridge they descended abruptly into a circular basin, from the bottom of which, as Slowboy could tell, the reddish light proceeded. The stranger mounted on the gray mare went forward at a quicker gait, and the lawyer stumbling and keeping his eye on the animal and her tall, lank rider, suddenly found himself in the midst of a circle of strangely clad beings in human form, who, with dejected heads, sat in silence around him. The red light disappeared as he came to a halt at the tail of Martha Washington, but the space at the bottom of the bowl was free from timber growth of any kind, and the open sky above shed



an uncertain glimmer about the place. The moon was behind the high ridge to the right; its beams, however, increased the brightness of the sky at the zenith, and the reflected light made more distinct objects immediately beneath.

The singular creatures by whom Slowboy found himself surrounded were arrayed for the most part in white habiliments, though some were draped from head to foot in deep black. Many were short of stature, while not a few were as tall as the long, slim figure that still sat immovable upon the back of Martha Washington. As Slowboy looked dubiously from one to another of his taciturn associates he was surprised to see his erstwhile conductor take off his head and rest it carelessly on the pommel of the saddle before him. At this most of the other tall figures around him took off their heads and rested them quietly in their laps. A deep, dismal groan now arose from the headless creature in the saddle, and was taken up and prolonged by his ghostly associates. The gray mare here hoisted her head, flung up her tail and snorted in fear and suspicion. It was the first time she had displayed any emotion, and Slowboy was glad to note that she was as much impressed by the proceedings as he was. It made him feel that whatever befell he had sympathetic company.

Up to this moment not a word had been spoken, except the few brief syllables uttered by the creature in the wood, whom Slowboy had been unable to find. Now there came from one beyond the group in deep, hollow tones, that made him shiver:

"Rash mortal, what wouldst thou here among us?"

Not being able to ascertain from what source the voice emanated, and not being assured that he himself was directly addressed, Slowboy maintained what he deemed to be a discreet silence.

"Rash mortal, what wouldst thou here among us?" came a second time the voice, which the lawyer could not precisely locate, but which he was quite sure did not proceed from any one of the individuals whom he saw grouped around him. He could not doubt upon reflection that the query was addressed to him, since he was the only one of those present whose habiliments indicated that he wished to be classed among human creatures.

"I came," the attorney replied in a tone as firm as he could muster, "at the beck of him who sits on horseback here before you. I know not why he summoned me to your presence."

"Why didst thou summon this mortal to our presence?" de-

manded the voice in a tone of offended dignity, presumably addressing now Slowboy's singular escort.

The being on the back of Martha Washington, who up to this moment had held his head on the saddle pommel before him, now replaced it on his shoulders, twisted it round a time or two as if to screw it tightly to his body, and then responded in measured tones that harrowed Slowboy's soul:

"He is a l-a-w-y-e-r."

At this announcement the whole assemblage groaned most dismally, and each member of the circle shook his head so violently that Slowboy expected to see several pates drop off and roll upon the ground before him. Finally they all rose as if by common consent, and, joining hands, began to skip and spin round him and the gray mare, uttering a low and monotonous groan or mournful humming noise as they did so.

Being utterly unused to such proceedings, the lawyer observed them closely and busied his mind with endeavoring to determine the significance of their capering. It was evident that the fact of his being a member of the legal fraternity had made a powerful impression upon them. As they spun round and groaned, the red light again made the atmosphere lurid above them and gave them more the appearance of demons than they had borne before. The gray mare, greatly excited, raised her head, flung up her tail, and spun round and round in her place as if with some wild idea of keeping them company. Slowboy took a firm grip on his mind and made a desperate effort to retain his composure, which he found under the circumstances to be no easy job.

When the excitement was partly subsided the voice in the rear pronounced in a tone of inquiry the syllables "Law-yer," and the tall being on the back of Martha Washington responded a second time in the most melancholy accent: "L-A-W-Y-E-R." At this the wild creatures in the circle, as if the intelligence was more than they could bear with equanimity, whirled round more rapidly than at first, and their moan grew into a howl that could have been heard a half-mile away. The tall being in the saddle, who seemed to have some sort of control over them, now lifted his long arms and motioned them all to be still. Without a word each member of the circle dropped back to his place, and, seating himself on the earth, hung his head in dejected silence.

Then came again the sepulchral voice that proceeded from none of the group about him. "Out of a thousand lawyers there may by

accident be discovered one good man. See if this mortal here before us comes under the rule or the rare exception."

Then four tall figures stepped forth from their places in the circumference of the circle and approached Slowboy, who stood apprehensively in the center. Each of the four held in his hand what seemed to be a keen sword of not less than seven feet in length, and so bright that the blade glistened in the glimmering light of the sky. While the lawyer watched these figures with intense interest the tall man in the saddle leaned forward and suddenly dropped over his head and shoulders a wide black bag, which completely obscured his view. He was thus left in total darkness, but could hear the stealthy tread of those approaching him with uplifted weapons and the low moan that was now resumed round the circle.

"Mortal," proclaimed the melancholy voice once more, "the test to which you are about to be subjected will show us whether you are to be classed with the nine hundred and ninety-nine abominable lawyers that should not be permitted to cumber the earth, or whether you are the thousandth man who by some piece of ill luck has stumbled upon a calling that no honest human being would deliberately choose."

Then was heard a scraping and rasping, as if the weapons were being sharpened preparatory to some fearful test.

"Mortal," remarked the voice, "our attendant hobgoblin will now take you by the arm and lead you forward. At the third, seventh and eleventh steps I warn you to lift high your left leg and proceed with extreme caution, for you will then be surmounting the keen sword of vengeance that will surely gash your unworthy flesh if you are not in rectitude of soul far above the average lawyer. If you stand this crucial test we will take you to our confines and release you with the admonition to forsake your calling ere we meet again. Should blood be drawn, or should you flinch from the test, or cry out in perturbation of spirit, it will be convincing proof to us that you are an unrepentant and incorrigible member of the despicable fraternity of lawyers, and you shall surely die the death. Attendant hobgoblin, lead the mortal on."

As Slowboy stepped forward he could not help feeling agitated by the rasping sound of the long swords stroked against each other to sharpen their edges. He kept in his mind, however, the fact that he would only encounter these dangerous weapons at the third, seventh and eleventh steps of his progress, and resolved to

lift his left leg so high, and feel his way so cautiously, as not to receive hurt if 'twas possible to avoid it. His strange companions had chosen to hang the issue of life or death on this preposterous test, and while their conduct in doing so was absurd, Slowboy was compelled to admit to himself that it was not without precedent. Wager of battle had been frequently resorted to by them of old time to decide important issues, and learned judges—if his law books were to be credited—had on divers occasions caused old women to be cast into deep water to determine whether or no they were witches. The lawyer therefore, through whose trained mind these precedents passed hurriedly, did not deem it an unheard-of thing that his wild captors, devil or human, should choose to subject him to the ordeal through which he was now to pass, and let the question as to whether they should murder him or free him be determined by his ability to lift his left leg to a required height at a critical moment.

As the attorney set out he took two firm steps, and those around him maintained profound silence. At the third step they raised a dismal groan, which was accompanied by some kind of doleful wind instrument that he had not heard before. He lifted his left leg slowly as high as he could, advanced it cautiously over the fearful weapon he was convinced must be thereabouts and set it down safely upon the other side. Three more forward steps were then taken in silence. Again the mournful howl was set up, and the wind instrument resumed its plaint, and again with the black bag over his head the lawyer surmounted the sword of vengeance. The strain upon him was fearful, but he knew that his life was at stake, and summoned up all his fortitude as he approached the eleventh step of his progress. The groaning was now redoubled, an occasional shriek rent the air, and the wind instrument sent forth a wilder wail than ever issued from the throat of a catamount. He became perplexed as to whether he had reached the tenth or eleventh step of his way, but in desperation raised his left leg to a height he had not before reached and extended his toe cautiously forward in the darkness. As he made this supreme effort he was supported by his right foot on tiptoe, and could not have maintained his balance but for the clutch of the attendant hobgoblin upon his arm. While he paused thus in the midst of the confusing hubbub, of a sudden something like the talon of a bird of prey gripped him by the calf of the leg on which he stood, at the same moment the attendant let go, and, stumbling heavily forward, he

fell to the earth. As he did so the black bag either dropped or was snatched from his head, and, struggling in confusion to his feet, he saw the whole array of hobgoblins gesticulating and leaping about, apparently in ecstasy. Martha Washington had been removed to the outer edge of the circle, but was still in view with the headless spook sitting motionless in the saddle. The groans and the wail of the wind-instrument reverberated through the neighboring hills, and the red glare flared over surrounding objects till the whole appeared to the lawyer's excited imagination like a scene from the lower region.

The headless horseman now lifted his long arms and once again all was still. Then from the outer darkness the sepulchral voice was heard: "Mortal, the infallible test proclaims thee to be neither better nor worse than others of thy despicable calling. This night it is decreed thou shalt leave the earth upon which thou are not fit to dwell. As talking is thy trade, however, thou mayest speak a few last words before the hobgoblin executioner severs thy head from thy vile body."

Finding in this permission some slight opportunity to plead his own cause, Slowboy cleared his throat and made bold to address the singular creatures by whom he was surrounded.

"Gentlemen, or wild men, or whoever you be," he began, "I have to inform you at the outset of my remarks that I no more consider you hobgoblins than I consider myself a hobgoblin. I have serious doubts in my mind as to whether there be any such creatures as hobgoblins in the established order of things about us, but waiving this point I am convinced you cannot be classed among such beings, for, unless I am much mistaken, I have seen to-night the breeches legs of two or three of you sticking out from under the curious attire you have seen fit to assume for the occasion. I say this not for the purpose of criticizing your make-up—which I admit to be creditable—but because it becomes necessary here for me to fashion my argument either upon the assumption that you are mortals like myself, or that you are whimsical creatures of the upper air upon whom in all likelihood both argument and entreaty would be wasted. If you spent your time in matting horses' tails, causing cream to sour, and performing other like mad pranks, I could not hope to reach you by any appeal to your reason, but proceeding upon the theory that you are human creatures I ask you what you have to gain by murdering me to-night down here at the bottom of this sink-hole? I say murdering me because,

while you may perhaps claim that you have vouchsafed me some sort of a trial I can convince you in a moment, if you will pay attention to what I say, that you are wholly in error on this point. I do not deny that at one period of our history matters of life and death were decided by tests as unreasonable as that to which you have just subjected me, but I remind you not only that all such methods are now obsolete, but moreover that even when resorted to by them of old the charge under investigation was in each instance one that if proven would have been punishable with death by the law of the land. Now here there is no charge at all pending against me, or if there be any at all it is of such frivolous nature that no judge could pronounce sentence upon it if I had been formally declared guilty by a sworn jury in the court house. The only accusation I have heard is that in the first place I am a lawyer, and in the second place that I am no better than the great majority of members of my calling. You need not have required me to step over keen-edged swords to establish the truth or falsity of such averments, for I cheerfully concede that I am a lawyer, and I lay no claim to being better in any way than the thousands of great and good men who in every age have adorned my profession. Why should any sane man, my friends, think less of me because I am a lawyer? 'You will defend any scoundrel for money'—one may allege. Why so I will, but what of that? Will not the doctor physic the same scoundrel for money if he fall sick, and require medical aid? The doctor—you may say—has nothing to do with the character of the man who engages his services. Neither have I, if you will consider a moment. For the question, mark you, to be decided by court and jury in a criminal trial is not whether the prisoner at the bar be a scoundrel, but whether he has been legally proven guilty of the specific charge laid down in the bill of indictment. My client may be in truth the biggest rascal that ever went unhung, nay he may have actually committed the very crime laid at his door, but if this fact can not be proven to the entire satisfaction of twelve good and lawful men, and that too in accordance with certain time honored rules laid down in the law books, he must be permitted to walk out of court a free man, leaving Omnipotence to mete out to him fitting punishment in the next world."

At this point one of the spectral auditors groaned aloud, and rising flourished his arms wildly about for a few seconds. Giving no heed to this ungentlemanly interruption Slowboy proceeded

with his argument.—“But possibly some one will say—‘You keep a cause in court almost interminably, and exhaust the patience of the entire community before you will permit your client to come to trial at all.’ So I will, my friends, if necessity demand, but what fair-minded person can censure me for so doing? If I see immediate destruction overhanging my client, and by availing myself of certain well established rules laid down in the books I can for a time avert that destruction, shall I not do so? Will not the doctor if his patient be at death’s door use all his skill to prevent immediate dissolution in the hope that the case may after a while, by some lucky chance, take a turn for the better? He surely will, and may not the lawyer when he finds his client in like predicament, by skillfully drawn affidavits for continuance, and other legitimate dilatory tactics, postpone the hearing from term to term in the hope that after a while important witnesses may die off, or grow tired tramping to court, and testimony necessary for conviction being thus gotten rid of his lucky client may at last find himself snatched, as it were, from the very jaws of death?”

Here the speaker was again interrupted, several of the hobgoblins rising and gesticulating furiously in manifest disapproval of his utterances. A good lawyer is always more intent upon winning his case than on making a creditable speech, and Slowboy observing the thickening signs of trouble concluded to steer his discourse in a direction somewhat different from that which he had been hitherto pursuing. “Perhaps, my friends,” he continued, “this is not the occasion upon which to press the point I have just been endeavoring to make clear to your minds. I will therefore, with your permission, waive it for the present, and to convince you that my avocation is respectable will remind you of at least one attorney who by the common judgement of posterity was a credit to the age in which he lived. When the Savior of mankind hung on the cross, and all his disciples forsook him and fled, who was it that boldly confronted the murderous Jews, and demanded his body for decent burial? It was Joseph of Arimathea, a lawyer, who performed this righteous act, and shall it be said of you that two thousand years later, in a Christian land you killed a man for no other crime than that of being found in such good company?”

At this the whole posse of hobgoblins rose, and began skipping madly round Slowboy, convincing him that their patience was now exhausted. The headless rider upon Martha Washington after a few minutes quieted them by raising his long arm, and

Slowboy, having no heart to proceed further, stood in the midst of the strange group awaiting his doom.

"Wretched lawyer," cried the sepulchral voice from the outer darkness, "thy tongue hath failed this once to screen the guilty, nor art thou now before a tribunal where sentence for thy misdeeds can be indefinitely postponed to await the pleasure of the criminal. This night, this moment, shalt thou feel the fearful sword of vengeance. Hobgoblin executioner, away with such a fellow from the earth."

A lank creature with an uplifted sword of frightful length now advanced menacingly upon him. A cold, bluish flame lit up the scene, that imparted to the figures of the group and other objects a weird and ghastly complexion. Nearer and nearer drew the lank form of the hobgoblin executioner; the long blade of his weapon shimmered in the ghastly light, and the miserable attorney unconsciously bowed his head as though to receive the impending stroke. As he leaned forward toward the earth the missive which the girl had given him a few hours before slipped from his side pocket and fell to the ground. In an instant he recalled the words she had uttered on placing it in his possession, and taking it hurriedly between his fingers he presented it to the headsman, who was now close upon him and about to strike.

As he took up the paper the gaunt hobgoblin paused. On the back of the envelope there was, as said, no inscription, but instead a human hand had been cleverly drawn in red ink, the thumb and little finger closed, the other three fingers extended. The lawyer had noticed this hand when he placed the letter in his pocket, but had not deemed it of special significance. The creature with the long sword, however, as soon as his eyes fell upon it lowered his weapon, and with visible agitation took the envelope from the hand of the attorney. He then backed swiftly to the outer edge of the circle and beyond his associates, into the outer darkness. Here he remained for what seemed a considerable length of time. Slowboy stood in painful suspense, while those grouped in a circle about him were manifestly disturbed from some cause. At last came again the voice from the darkness, but this time in a softer tone:

"Mortal, thou mayest live. It is so decreed by one whose mandate we dare not disobey. Drain the horn of fellowship with the mystic clan and go thy way."

Again the scene was lit up, first by red and then by the ghastly



blue light. A more jovial sound was echoed around the circle. Sharp cries of animals were imitated, the hoot of the horned owl was heard, and other grotesque noises startled the night. Large drinking horns were then introduced, filled with some kind of liquid and drained again and again by the members of the disorderly group. One more fantastically arrayed than any he had yet noticed now approached Slowboy, bearing in his hand a drinking vessel, which looked like the crooked horn of an old ram. This was filled to the brim, and the lawyer, who had no wish to offend his new-found friends, without hesitation raised it to his lips, and dared not take it away till the last drop was down his throat. He began his task with confidence, as he had seen the others imbibe so freely, but he came near being strangled before he finished his potation. He was compelled to swallow slowly, as the horn was crooked and deep, and distinctly tasted—as he afterward avowed—peach brandy, corn whisky, persimmon beer, hard cider, and pepper sauce, as the mixture slid down into his bowels. When he had finished he handed the ram's horn back to his obsequious attendant and did not ask for more.

The confusion about Slowboy now rapidly increased, and many of the hobgoblins displayed a disposition to become hilarious. The creature on the back of Martha Washington waved his arms in a frantic way, but none of his subjects paid any attention to him. The mare herself, as if pleased with the turn affairs were taking, raised her head and sent forth a cheerful nicker that encouraged the soul of the lawyer. The whole scene by this time was beginning to swim round him, and he was fast lapsing into that condition when—to use a boyish phrase—he didn't care whether school kept or not. At this moment the voice, somewhat unsteady, was heard once more addressing itself to him:

"Mortal, canst thou not use thy tongue in bidding thankful adieu to thy hobgoblin friends?"

Slowboy, while recognizing his unfitness for the task assigned him, now braced himself for a supreme effort.

"Suttinly, gen'lemun," he began. "Appy, I 'shure you; 'appy to stan' 'fo' you on this aus—aus—auspishus 'cashun. Am indeed, I 'shure you. Give you my word, gen'lemun, gen'lemun—shury, never been so drefful 'appy befo' in all my born days. Thas-er-fack. As to that wot I said 'bout Shoseff Arrymarthuer, 'twuz all damn foolishness, an' I take it back."

At this candid retraction the enthusiasm of the hobgoblins broke

bounds, and they crowded about him to grasp his hands and to offer him liquor. His legs, however, had been growing alarmingly weak for some minutes and they now failed him altogether. With a sickly smile, and a deprecating wave of the hand, he rejected the invitations to swallow more ghoulisn drink, and, sinking to the earth, stretched himself out with as much composure as if he had been at home in bed. How long he laid there, and who carried him off, he could never tell. When he woke the sun was shining brightly overhead, and he was lying only a little piece off from the main highway with Martha Washington tied to his leg.

Crawling feebly into his saddle, Mr. Slowboy pursued his journey homeward. As he went he reflected. Halting at the first stream on his route he washed his face, drank copiously, and, remounting, rode on and reflected again. What connection was there between Miss Sue Bascombe and the hobgoblins? If none, how did it happen that the letter of the former had such an astonishing effect upon the latter? But then she loaned him a pistol which he might have used with deadly effect if he had chosen. In some apprehension he here felt for the pistol and found it safe in his hip pocket. He examined it carefully and found that all the leaden balls had been drawn, leaving only charges of powder in the cylinders. This was a very singular piece of business. The hobgoblins certainly had not withdrawn the balls before he fell into a stupor, and why should they have chosen to do so afterwards? Was it possible that the young lady had purposely given him a harmless pistol when she had reason to suppose he would fall into such dangerous company on his route? Mr. Slowboy rode on and reflected, but the more his mind dwelt on the subject the more puzzled he became. He was conscious of a very decided headache which probably had something to do with his inability to solve the problem in hand. When he reached home he went to bed and fell asleep again. It was not until nearly noon of the next day that he walked languidly to the office of Palaver & Slowboy, and undertook to give an account of himself.

The account which Slowboy gave of his adventure with the hobgoblins in the Marrowbone Hills, and his explanation of what he there saw and experienced, was not satisfactory to himself, and, therefore, it could not be supposed that it would be entirely satisfactory to others. Some said he got on a tear in Nashville, and had a plain case of the jim-jams on his way home. Other some that, as was the case with the Apostle Paul, much study had in-

clined him to madness. His mother and most of the old ladies in the community were firmly of the opinion that he had encountered a legion of devils in the God-forsaken hill country, and I desire to go on record here as affirming that in my judgment the conclusion they reached was based upon evidence of a highly persuasive nature. It is quite true that up in the neighborhood of the astounding transactions just narrated, the report gained credence that the whole thing was a job put up on Lawyer Slowboy by one Teddy McIntosh. It was there whispered around that Teddy somehow got wind of Slowboy's visit to Miss Sue Bascombe, and resolved to waylay the lawyer on his road home and give him some idea of life in the knobs. It was further whispered that the young lady above mentioned was informed of Teddy's plan, and, wishing both to aid him and keep him within the bounds of moderation, she loaned Slowboy a pistol with which he could hurt nobody, and at the same time intrusted him with a sealed paper that, presented in the nick of time, would prevent his being handled too roughly by her friends. Such a report, I say, gained credence in the neighborhood of the occurrence, but it was too preposterous to merit serious consideration, and I am sure the intelligent reader will give little heed to it. The facts were exactly as I have stated them, and about all that can with assurance be said of them is that, taken all together, they present a dark problem, which neither you nor I nor Mr. Solomon Slowboy will ever be wise enough to solve.

## CHAPTER XXVII.

MR. BOB LEE TEMPLETON DISTINGUISHES HIMSELF AT THE  
WOODPILE.

LEST the reader should rashly conclude that nobody but Solomon Slowboy could ride the road in the parts of which this narrative treats, I take pleasure in stating that one Bob Lee Templeton, in the county aforesaid, and at or about the time heretofore mentioned, was frequently observed galloping up and down the highways and whistling to himself as if compelled to thus give vent to his cheerfulness. If his horse's head was turned toward the heart of the Marrowbone Hills he usually rode rapidly and drew rein about nightfall at the front gate of Major Habersham. When proceeding in the opposite direction he traveled more slowly, and whistled a softer tune, but a look of supreme satisfaction still abode with him. He never recovered the valuable animal that was stolen from the Habersham premises, nor did he get back his liberal subscription for the six Bibles that were to have been delivered a few weeks later and were not. These untoward accidents, however, by no means engendered in his mind a prejudice against the Habersham house or the innocent members of the Habersham family. He continued his visits as before, and all through the pleasant summer and the still more delightful fall weather haunted the Habersham residence as persistently as if he had been a Yankee bill collector and the Major had been bad pay. By this time, you may depend upon it, Mr. Templeton was so well versed in affairs of state and the principles of true democracy, that he could have given points to Grover Cleveland. He had also spent so many hours in the improving society of Miss Polly Habersham that he knew tolerably well how to behave himself in the company of ladies.

There is a very old tradition which teaches us that unwedded human creatures, like the birds of the air, usually do their billing and cooing in the month of May; and the greatest of modern Eng-

lish poets has sung to us in mellifluous verse that—"In the spring a young man's fancy lightly turns to thoughts of love." In opposition to this high authority, however, I venture to record it as my conviction that the heart of the average young man is tenderest and most susceptible to blandishment in the falling of the year. The springtime, of which we hear so much, is slushy and disagreeable, and the farmer lad, when not breaking ground for corn, is wheezing and sneezing in the effort to rid himself of the dreadful cold that the winter has fastened on his constitution. When the fall comes round, however, his crops have been laid by, the earth is dry enough to make it firm underfoot, the heat of summer is abated, and the foliage in my part of the world has taken on a hue that is gorgeous and beautiful to see. He who hath a soul must feel that soul expand beneath such influences, and if more were needed to turn his mind toward the other sex there is a frostiness in the morning and evening air that makes him rather choose to seek a mate than shiver in loneliness through the coming winter.

It was perhaps for the reason, or reasons, so clearly stated above, that Mr. Bob Lee Templeton turned up more frequently at the Habersham mansion as the autumn advanced than he had done during the preceding sultry months. The hazy Indian summer—which was now at hand—cast a spell over him, and his thoughts became so attuned to that dreamy season of the year that a delicious peace slid into his soul, and he felt blissful all the while without precisely understanding why. It came about one evening in the late fall that Mr. Templeton as usual was making himself at home under the hospitable Habersham roof, and his horse—fatigued from an all-day journey—was contentedly resting its limbs in the Habersham stable. It was about nine o'clock. The Major, being compelled to read several speeches in the *Congressional Record*, had retired from the sitting-room, and Mrs. Habersham, who, though of delicate constitution, always did her endeavor to entertain genteel company, had taken up some light work on which she fancied she had been engaged, and followed her husband's example. Thus left alone the young people, of course, did their best to get along without outside assistance. The conversation flowed smoothly and naturally enough for a while, and everything betokened that the evening on the whole would be a success, when all of a sudden, before anybody could have suspected that a calamity was impending, the chips gave out. The fire had burned very brightly and cheerfully for a while, then the blaze got lower and

lower, then it flickered—the blaze did—as if it hated to give up, but was bound to give up; then it went out and came back again, and went out and came back a second time, and tried to climb a little wreath of smoke, and failed in the attempt, and disappeared entirely, and that was the very last of it.

“Laws a mussy,” cried Miss Marie—better known as Polly—“laws a mussy, look at that.” And she went up to the big fireplace and took the tongs in her hand and poked about in the embers, and heaped little particles of wood together, and tried to make the blaze come back, but it wouldn’t come back, or couldn’t come back, I don’t know which. Anyhow it didn’t.

“Now, that is too bad,” cried Miss Marie, looking down into the fireplace with a vexed expression of countenance. “I told that boy as plain as I could speak always to leave some kindling here by the mantel, to be used in case of necessity, and now he’s gone off and hasn’t left a scrimption. Everybody knows that a big fire will burn right off if you once start it, but a slow fire is liable to give up and quit at any time.”

“What must be done?” inquired Templeton, who, from the young lady’s manner, was impelled to the conclusion that something of a discouraging nature had transpired.

“There is but one thing to be done,” replied Miss Marie, heaving a gentle sigh.

“What’s that?”

“We must go to the woodpile for chips; there’s no help for it.”

“Oh,” ejaculated Mr. Bob Lee Templeton, who, you may depend upon it, could see as far into a millstone as the next man.

The young lady here crossed her hands in front—she was standing near the fireplace—and looked at Mr. Templeton demurely.

“There’s no help for it,” she repeated, “unless——”

“Unless what?”

“Unless we adjourn this meeting, which, in my opinion, is the wisest thing we could do.”

“Never,” cried Mr. Templeton, firmly.

“Why, let’s reflect upon the subject a moment,” argued the young lady. “It’s now past nine o’clock, and——”

“A motion to adjourn is not debatable,” interrupted Mr. Templeton. “Besides, there’s an important matter to be settled before we close the meeting.”

“What’s that?”

“There’s the subject we discussed last Thursday night, which

by all parliamentary rules should come up this evening under the head of unfinished business. You remember, don't you?"

The young lady shook her head gravely. "Can't say I do," she replied.

"Last Thursday night, as we sat over yonder on that sofa by the wall."

She shook her head again. Her memory must have been singularly obscure or he was romancing.

"When I made a certain emphatic declaration and you replied, 'Nonsense.' I then repeated it, and you looked down and didn't reply at all."

Her face took on a puzzled look. "Can't say I remember anything about it," she answered.

"When I looked so earnestly into those heavenly eyes, drew a little closer before you were aware of it, and——"

She threw up both hands at once. "I'm going to the woodpile for chips," she cried.

Bob Lee Templeton sayeth, "I go with you."

Under a narrow stairway that ran up on the back porch there was a closet for odds and ends. Out of this she fished a basket of the split-bottomed variety, very strong, and especially adapted to the carrying of chips. Running her arm through the handle of this she placed her father's old slouch hat on her head and set forth upon the expedition to the woodpile. "It does seem," she remarked despondently to Mr. Templeton as they went along, "that I have more bad luck than any other girl in the world. Here we were doing well, weren't we? Just had settled down to have the nicest kind of a time, when all of a sudden the chips gave out. Now we actually have to leave the house and go out in the dark to rake up chips. Isn't it provoking?"

"It's bad," replied the young gentleman, "and no mistake. But we must summon up all our fortitude and endeavor not to let the unfortunate incident cast a gloom over our spirits." With that he whistled the snatch of a tune to show he wasn't gloomy.

"Don't whistle," she said, reprovingly.

"Why?"

"Because you might call the dog from round the house. And, moreover, you might disturb my father and mother, which would be wrong in you."

"On to the woodpile," cried Mr. Templeton, in a subdued tone. "I'll be good."

It was a starry night. A pale old moon, or a piece of a moon, was wrestling feebly with a gray mist that had arisen from the earth. It had just climbed into view from behind a wide corn-field on the east, and through the light and intervening fog looked dim and discouraged. This gray fog, however, hung low, and there was every prospect that the old moon would soon surmount it and proceed more cheerfully upon her route. The stars overhead were twinkling brightly even now, and the night atmosphere was decidedly chilly.

"There'll be a good frost to-night," remarked Miss Marie, as she tripped, basket in hand, toward the woodpile. She submitted this observation in an undertone, though it did not seem to be of a confidential nature.

"Shouldn't wonder," replied the gallant escort, sinking his voice also, perhaps for fear of calling the dog from round the house.

"Our tobacco is all in the barn though," continued the damsel; "so what's the odds?"

Mr. Robert Lee Templeton walked briskly by her side. He seemed to be pleased at the intelligence that her tobacco was all in the barn.

"These big frosts will make the rabbits fat and frisky," pursued the young lady, who seemed more in the humor for scattering remarks than sustained conversation.

"Just what they will do," replied the agreeable escort.

"And the 'possums," she added.

"And the 'possums," he echoed.

"And the persimmons. These white frosts will just make the persimmons too luscious for anything. Do you love 'simmons, Mr. Templeton?"

"I dote on 'em," answered Templeton, who was growing reckless.

"I like 'em the best kind," said Miss Marie, swinging her basket vigorously. "But then again I don't like 'em, Mr. Templeton."

"Why not?" inquired Mr. Bob Lee Templeton.

"Because they pucker my mouth."

"I'll fetch you a basketful next time I come," quoth he. "Big ripe fellows."

"You're a clever young man, Mr. Templeton," she made answer. "I've thought it for some time. Now I know it."

"Big, nice, luscious fellows," he continued, as if in love with his subject. "And I want you to eat 'simmons, and eat 'simmons, till your mouth will stay puckered for a week."



Miss Marie Habersham: "Great goodness."

Mr. Templeton: "Then, you know, if you felt like kissing either one of your parents your mouth will be in shape for the business."

Miss Habersham: "To be sure."

Mr. Templeton: "And when the transaction of kissing a parent has been concluded, as your lips will still be set that way, I may ask you to oblige a friend."

Miss Habersham (quoting from a familiar song): "You'll be silly if you do."

Mr. Templeton (who was a star debater at college): "I trust you will hear me before you reach a definite conclusion on this important subject. Why should I be deemed silly, my sprightly friend, if finding those rosy lips already puckered for the business I should make bold to ask you for a kiss? Or indeed if the opportunity is otherwise favorable, why should I wait for an artificially manufactured pucker before submitting so fair and reasonable a proposition? Can it be pretended for a moment that a young lady of such wit and ingenuity as the one I now have the honor of addressing can't get up a pucker without the aid of persimmons? Such a supposition is preposterous. It would be a direct reflection upon the damsel in question for me to harbor such a thought for a moment. Therefore, my amiable young friend, as we stand out here together beneath the twinkling stars, two souls—I trust it may be said—with but a single thought, two hearts that beat as one——"

Miss Habersham (interrupting): "Your time's out. Here's the woodpile."

If any of my readers have ever picked up chips at a woodpile they do not need to be informed that it is a task requiring considerable expertness and dexterity on the part of the chip-picker. Moreover, it is a task that cannot be readily performed while the picker stands erect upon the earth, but it is essential to the successful operation of the business that he or she should stoop to conquer. It is quite true that here and there a supple individual might be found who could stand with legs unbending, and by inclining the body forward, and making a particularly long arm of it, succeed in picking up a few chips from the ground. But I hazard the assertion that even such a one would soon weary of the posture if there was a basket of chips to be picked, and, however punctilious upon ordinary occasions, would be strongly tempted to assume

while the occupation lasted an easier, if less dignified, position. Therefore no one need be surprised when I state that Miss Marie Habersham and Mr. Bob Lee Templeton, having reached the spot where business was to be transacted, did not, like cousin Sallie Dillard, undertake to be too genteel, but knuckled down to their work like sensible folks, and went about the business as if they meant to pick up chips. Squeamish people may get down their books of etiquette and read homilies to me about propriety and the like o' that, but I say there is a time and place for the observation of rules of propriety, as there is for everything else in this world. When a young lady is in the parlor entertaining company I grant you she should sit bolt upright in her chair, as near the edge as possible, and never unbend in the least during the entire evening; but when she goeth forth to the woodpile for chips, I say let her cast etiquette to the dogs and do her endeavor to excel as a chip-picker. So thought Miss Habersham and Mr. Templeton when on the present occasion they jointly and severally got down close to the ground with the ragged old moon looking at them through a thin gray fog.

Stooping down at the woodpile, with the basket between them for the more convenient dispatch of business, the young lady and the young gentleman began a diligent search for chips, and a generous rivalry—as was natural under the circumstances—soon sprung up between them. The young lady was the nimblest and quickest, but the young gentleman had the longest arm, and thus it happened quite frequently that when she was about to lay hand on a tempting chip in her territory, he reached forth without leave and appropriated it to his own use. Human nature is human nature, and will be for a considerable while to come, and so after the young gentleman had performed this disreputable trick a few times the young lady began to lose her temper, or to find it, whichever is the correct expression. Pretty soon she reached out in a dignified way for a nice little white chip, and perceiving her intent he extended his long arm and grasped the prize between his fingers. Determined not to be outdone, she likewise clutched it a second later, although it was already in his possession. A chip, as all well-informed persons know, is the small fragment that falls from the log when the woodman plies his ax. It is usually an inch or two long, an inch or two broad, and has no thickness to speak of. So when the young gentleman and the young lady fell to struggling over the same chip it came to pass that their fingers

were very close together indeed. Miss Marie Habersham was a very determined young lady, and Mr. Bob Lee Templeton was a very determined young gentleman, and the chip was a very small chip, and it really was doubtful for some moments how the eager contest would result.

"Turn loose," said Miss Marie in a tone that was really spiteful. "It's mine."

"It's mine," quoth Mr. Bob Lee Templeton, "and I'll have it or die." That's what he said.

The controversy was conducted in an undertone, possibly for fear of calling the dog from round the house.

"You will, will you?" replied the young lady, and with that she gave a sudden jerk and snatched the chip from his hands.

Then while she was disposed to rejoice over her triumph he gave a sudden grab and snatched it back.

He was so pleased at his success that he threw back his head, shut his eyes and began to laugh. It is a mistake one often makes when you suppose an enemy to be defeated who is not defeated. She made grab number three at the chip, and laid hold upon it, but he was clutching it so tightly this time that she couldn't get it away. So it came about again that there were two human hands on that one little chip. This was exasperating. Betwixt the young lady and the young gentleman, as between Saul and Barnabas of old, there ensued a "sharp contention." The young lady didn't care at all for the chip, but was resolved not to be imposed upon. It was the principle of the thing that nerved her in the combat. She was contending for her rights. The young gentleman cared not for the right or the wrong of the thing, but desired the pre-eminence. So they contended most earnestly, but very quietly, mind you, because it was desirable that the dog should not be called from round the house. Finally a thing came to pass that might have been anticipated from the start, but which neither one of them in their excitement did anticipate. It came to pass that the little chip got lost in the scuffle, and the young gentleman and the young lady were clutching each other's hands tightly. Precisely at what moment the young gentleman discovered this change in the situation I am not prepared to state. I will state, however, emphatically that it was a matter of two or three seconds before the young lady became aware of the fact that the chip had disappeared from the struggle and her antagonist was squeezing her hand in a very ungentlemanly way. Then she rose up promptly;

she rose very promptly. Mr. Bob Lee Templeton also rose to his feet, but he didn't let go her hand. She stood and pulled one way, and he stood and pulled another way, but the hold didn't break.

The stars were twinkling by thousands in the blue vault above, but stars—be it said to their credit—while they must see a good deal as they journey, never tell tales out of school.

"Let go," exclaimed Miss Marie Habersham indignantly. "Let go this instant, I tell you."

He must have been a little hard of hearing, for he did not regard her command in the least.

"Let go," she repeated in a tone not quite so imperative. "Let go, and you may have the chip."

The immortal George Washington, when the enemy surrendered at Yorktown urged his victorious army to be generous to a yielding foe. Mr. Templeton, I am pained to relate, showed himself on the present occasion to be incapable of appreciating such a lofty sentiment. The bone, or rather the chip, of contention, had, as we see, been surrendered, and if he had been in the least magnanimous the subject would have been dropped, the young lady's hand would have been dropped with it, and the incident at the woodpile—to use a diplomatic phrase—would have been closed. Instead, however, of bringing the matter to a conclusion in this gentlemanly way Mr. Templeton held tightly to the little hand in his clutch and squared himself, as the saying is, for a talk of some length. He was evidently under the impression that argufying was his forte, and having, like the spell-binding ancient mariner, an auditor who was compelled to listen, he availed himself without scruple of his opportunity.

"Let go, p-l-e-a-s-e," said Miss Marie Habersham in the most pleading tone in the world, and pulling away from him with a face that even in the dim starlight looked flushed.

"My much-esteemed friend," began the young gentleman in his polished debating-society manner, "there is a tide in the affairs of men that taken at the flood leads on to fortune. A few minutes since I would have been satisfied with the possession of this little insignificant chip, but now the tide of my destiny is rising, and I and the little chip together are borne onward to a consummation not originally contemplated by me, and, I am convinced, not originally contemplated by the chip."

She stopped and smiled and listened. His remarks were rather

too deep for her comprehension, but she could easily discern with her mind's eye that he was bordering upon the eloquent.

"It often happens in the history of nations," pursued the orator, "that the original matter of controversy between two contestants is lost sight of, and the end brings the victorious party to a position far in advance of any he dreamed of occupying in the beginning."

She smiled broadly now, and wondered what all this mystifying talk was leading up to.

"It is the common experience of mankind," pursued the incipient statesman, "that under the circumstances just mentioned the victorious party, will show no mercy at all toward the unsuccessful contestant, but will at once display a disposition to become hoggish and take everything in sight."

"Now I understand you," remarked Miss Habersham.

"I hope so," replied Mr. Templeton. "The line of conduct which I have designated as being quite common in the experience of mankind is not one, however, that commends itself to my conscience, and not one that I intend to pursue on this occasion."

He here paused and stroked his chin with his disengaged hand and looked up at the stars.

"What next?" inquired Miss Marie, alias Polly, Habersham.

"I have bethought me of a plan," continued the logician, "that will give to me all the legitimate fruits of victory in this case, and will not impose on you the humiliation of defeat."

"Let's have it," replied the young lady, who had become so much interested in the line of his argument that she forgot he was still holding her hand.

"So I will," replied the young gentleman, looking very hard at her to impress her with the force of his observations. "My plan is simply this. You take the chip into your own possession. Then it's your chip, and victory perches upon your banner, does it not?"

"Y-e-ss."

"Then I take both you and the chip. So it will be my girl and my chip; and victory perches on my banner, does it not?"

"That's nonsense."

"It's not nonsense. It's good law and good logic. Under the statutes of Tennessee the personal property of the wife belongs to the husband. That chip is personal property, and when you've got the chip, and I've got you, the chip is mine."

"That law may suit the men that made it," said she, "but it's a sin and a shame to treat poor women folks in such fashion, and I don't care who hears me say it. You put the chip in your pocket, if you wish, and I'll carry the basket back into the house. I don't want the little chip anyway. It wasn't worth having a scuffle over."

"It was not worth having a scuffle over, my dear," said he ("my dear" was the expression he used, and she was a little startled at it)—"it was not worth having a scuffle over, and we'll be very careful in the future not to quarrel over such trivial matters. For my part, I promise you upon the word and honor of a gentleman that I will never hereafter squabble with you over any small matter, or great matter, but will always, as Brother Paul says, yield you the pre-eminence. That will be right and proper because while sweethearts may be whimsical, and now and then fly off at a tangent, when it comes to that closer and dearer relation——"

"What are you talking about?" says she.

"Why, my dear," answers Mr. Bob Lee Templeton, "I'm talking about the way I'm going to behave myself when I'm the head of a family and you're Mrs. Templeton. What else could I be talking about?"

"Why," says she, "you haven't asked anybody yet."

"Then," replied Mr. Templeton, "I'll ask you now. Will you, my dear, take this man to be your lawful and wedded husband? Will you promise out here at the woodpile to love, honor and obey him——"

"I will not," says she. "I'm not that kind of a girl."

"Ah, sure enough; I forgot. Will you then, my imperious damsel, accept the homage of your liege subject, and permit him to minister to your wants all the rest of your days? Will you condescend, Miss Habersham, to become my wife?"

"I will not."

"Yes, you will, too. I've made up my mind to that. Come now, Polly, no foolishness."

"Who said you might call me Polly?"

"That's all right, that's all right," replied Mr. Bob Lee Templeton persuasively as he drew her nearer toward him. "Don't you be apprehensive, my dear—don't be in the least apprehensive. I'm your friend. By Jimmy, I love you the worst kind. I can't help it, you see. Say, Polly, give me a kiss to put a good taste in

my mouth. Give me a kiss, and then let's go back in the house and talk this thing over like plain sensible folks."

"I won't; that's flat."

"You will; that's flat."

"I won't, I tell you."

"You will, I tell you. Come now, Polly, don't be apprehensive; d-o-n'-t be apprehensive."

He spoke so reassuringly that she could hardly continue to be apprehensive, assuming that she was so at the outset. He coaxed her as one would a skittish filly that may break loose at any minute and play the wilds. He drew her gently toward him as he soothed her. "Come now, Polly; c-o-m-e now, Polly." First she resisted and pulled back as hard as she could. Then she hung her head and laughed. Then by sudden effort she snatched her hand away and started to run. Then he seized her; there was a brief struggle, both sides being careful not to call the dog from round the house; then he kissed her; then for some moments there was peace at the woodpile.

They took the basket, each having a hand on the handle, and walked like well-behaved young people back into the house. They made a brisk fire, and pretty soon a ruddy blaze was leaping up the chimney. Everything was cozy and comfortable as heart could wish, and as they sat side by side on the sofa they talked in a delicious and sweetly sober way of this, that and t'other; one thing and another. The old, old story was told over and over again with some variations, but it was the old, old story after all. There was deep planning for the future, and pledging of mutual vows, and exchange of confidence. He held her little hand betwixt his clumsy fingers, and there was no drawing back as there had been at the woodpile. He patted it fondly and in an absent-minded way, without causing her to become apprehensive. They wheeled the sofa now nearer and nearer to the hearth—for the fire was dying low again—and snuggled up closer and closer to each other, and conducted themselves about as young people under like circumstances usually do. The room was getting really chilly now, but it didn't occur to either of them to put on more chips, for a fire was burning brightly in both their hearts, and Cupid fanned the flame.

## CHAPTER XXXVIII.

THE CASE OF THE STATE VERSUS ANKERSTROM IS HEARD IN THE RE-VISING COURT, AND THE WISDOM OF THE ANCIENTS IS UPHELD.

OUR esteemed friend, Johan Ankerstrom, whom we left on his way to the Coopertown jail after the outrageous verdict of the hard-hearted jury and the cruel sentence of the unjust judge, reached that institute, we are pained to narrate, in a frame of mind the reverse of amiable. The fangs of Jeneral Beauregard still rankled in his flesh, and he did not recover anything like equanimity of temper until late in the afternoon of the same day, when a visit from his estimable parent tended somewhat to soothe his lacerated feelings. Johan, while seemingly destitute of natural affection, was always more or less amused at the antics and monkey shines of his demonstrative father, and on this occasion the visit of the old man served to remind him of the pleasing assurances of his attorney as to the final outcome of his case.

The old gentleman, Olof Ankerstrom, had not seen fit to mix much with the witnesses and lawyers in the court-house during the trial of his son, for fear some curious person might connect him with a certain old Bible vendor and jewelry peddler, and deaf farmer, who had of late operated quite extensively in the Marrow-bone Hills. As soon as the trial was over, however, he came forth from his retirement, and was, as we know, much encouraged by hearing his son's attorney proclaim publicly that he had a reversal without fail in the court of last resort at Nashville. He caught the point relied on for annulling the verdict much more readily than his dull son had done, and, as stated, later in the day sought out the latter in prison to cheer him up. Being admitted into the cell where Johan languished he would have embraced him in his enthusiasm if the latter had not impatiently repelled his advances.

"Mine zon, mine zon," exclaimed the old man eagerly, though in a low tone for fear of eavesdropping, "I haff talk mit de lawyer vot understand his pizness, und he zay effry thing is shoost



right, and he would not haff it ottervise for de best horse in town. Lizden to me, mine zon, lizden to me. De shudge and shury haff made von hell of a miztake, and de Shupereme Court at Nashville dey neffer make miztakes. You understand dot, min zon. Ven you hit de old lady mit de ax you made a potch uff de shob, und she giff you away to otters vot come in pehint you. She giff de whole thing away, und tole de tale uxackerly as it vos, mine zon. But ven she told de tale she vos in her right mind, you onderstand, and making ready herself to luke after pizness in dis vorld, and not some otter vorld. Lizden to me, mine zon, lizden to me. Ef so be de old lady vos fixin' to die terreckerly, and haff her mind on some otter vorld, de vise law would hear de tale she tell, pecause mit de devil close by de coot Kerristian vill not tell a lie. Ef de coot Kerristian haff his mind on dis vorld, mine zon, he vill lie, and svindle, and not mind de devil vot vill get him pime-py. But ef he haff his mind on some otter vorld and know de credit pizness is played out, den de coot Kerristian vill tell de trute for vear uff de devil vich vill get him terreckerly. Dis vot de lawyer Perlaffer zay, and de lawyer Perlaffer is a vise man. Now, ven you hit de old lady mit de ax, and made a potch uff de shob, she told her tale to dem vot come pehint you, but she told it mit her mind on dis vorld, vere lying and svindling is a effry-day pizness. Zo, mine zon, de law will not pelieff de old lady. De vise law zay to her, 'If so pe you haff your mind on dis vorld, coom into court, my coot vooman, vere de lawyers can tvist you inside out, and den ve vill pelieff your tale, vot is left of it.' Dat vot de law zay, mine zon, und dat is coot sense, und dat is pizness. De fool shudge and fool shury zay ottervise, but Perlaffer tell dem all in de court-house dat de Shupereme Court of de State neffer make a miztake, and Perlaffer is a vise man."

If the worthy old gentleman thus looked forward to the coming decision of the Supreme Court of Tennessee with cheerfulness and abiding faith, and if even the surly son was encouraged to build hopes upon the finding of that tribunal, the reader may rest assured that the good people of the community where the widow Bascombe had been foully murdered at midnight, were fast losing the little remnant of patience that the tedious course of the trial had left them. They were not a vindictive folk by any means, but the crime had been of a nature well calculated to arouse the citizens of any locality, and make them determined to see that something like adequate punishment was awarded the offender.

They felt that not only simple justice demanded this, but that their own future security demanded it, and now with the murderer unpunished after so many months of weary waiting they concluded they had a right to be indignant against every person at all connected with thwarting the summary vengeance they had been minded to wreak upon him as soon as they learned of the crime. As upon one pretext or another there had been delay upon delay, they were quite ready to believe that by hook or crook the wily Palaver, whose shrewdness in defending criminals was proverbial the country over, would manage to secure for his client another long delay, and finally immunity from punishment. Randolph Pearson, who had been doubtless the most respected man in his community, came in now for his full share of the censure that was heaped on every one who had objected to the hanging of the murderer by a mob as soon as he was caught. Indeed, Pearson was blamed far more than any one else, and found himself now for the first time in his life the object of ill will among his neighbors. So far did this faultfinding disposition go that it seriously affected the members of the klan which Pearson had organized for the purpose of aiding and upholding the law in his community. At their night meetings in the woods the most excited discussions took place, and resolutions were introduced and urged doing away with the court of their own creation and substituting the will of the majority for the decrees of this tribunal. These resolutions did not carry, but Pearson was stung by the evidence of lack of confidence among those who had trusted him most implicitly, and was also seriously affected by it. Like most determined men, he sometimes permitted his firmness to degenerate into obstinacy, and this was especially the case where he met with opposition in the execution of a cherished plan. His predominate idea at the outset had been to suppress mob law in his community, and to demonstrate to the world that the courts of the country were able and willing to punish crime if the hasty advocates of mob violence would but trust in the law. He had gathered a band of good citizens about him, and had succeeded in arresting the murderer against whom indignation had been justly aroused, and turning him over to the proper legal authorities. He had done this with the utmost confidence that a few weeks, or a few months at farthest, would bring the scoundrel to punishment, but he now saw, or had come to believe, that the criminal statutes were framed far more with the view of protecting accused persons from pos-

sible wrong than of protecting society by the speedy punishment of offenders. Pearson was sufficiently well informed to know that this was a wise policy at that remote period of English history when the danger to be guarded against in legislation was the disposition of the powerful few to oppress the helpless common people. But this danger had long since passed away. Society, especially in the Southern States of America, had been formed on entirely new lines, and the one thing needed now in criminal legislation was to impose such speedy and effectual punishment on the enemies of peace and sound morals as would teach them to fear and the community to respect the law of the land. He saw that for some reason the law was wholly inefficient in grave cases like the one in which he had been so much interested, and was for the first time in his life impelled to the conclusion that of the two evils—a statute law which was too solicitous for the welfare of the accused, and mob law that was too ready to avenge a wrong—the latter was sometimes preferable.

While Pearson's experience in the Ankerstrom case, however, had impelled him reluctantly to this conclusion, he was quite sanguine that the decision of the State Supreme Court would be on the side of manifest justice, and not in favor of still further shielding the criminal from responsibility for his wrongdoing. The vexatious part of the proceedings heretofore had been the apparently unavoidable delays that had marked each step in the progress of the cause. When the criminal had been finally compelled to face a jury, conviction had followed, though here again a long wait was interposed before it could be finally ascertained whether the verdict of the jury would stand. There could be no doubt about the affirmation by the Supreme Court of the sentence below, unless the statement made by the old widow to those about her death bed was held to be inadmissible as evidence. The circuit judge after a long argument had admitted this so-called dying declaration as part of the testimony in the case, and Pearson—while he had some misgivings on the subject—could not help feeling reasonably assured that the revising court would take the same view of the case. To say that the plain death-bed statement of an eyewitness to a crime, who had been murdered to prevent her appearing in court, should not be weighed as evidence, was a proposition too monstrous to be entertained for a moment. To say that the law would not listen to a tale that had carried conviction to an entire community, told by a good old woman whose respect for plain

truth was proverbial, would be to say that the administration of justice was a farce, and that no man henceforward need profess respect for it.

Thus strongly did Randolph Pearson state the proposition in his own mind, and as he did so his assurance became doubly sure that the days of the murderer, Ankerstrom, were numbered, and before the expiration of many additional months the community he had outraged would see him expiate his monstrous crime upon the gallows. The Supreme Court met at Nashville on the first Monday in December, and Pearson waited patiently till the case of the State versus Ankerstrom should be reached. This he soon learned would not be until sometime in the month of January, or possibly February, as the county from which the bill of exceptions came up stood about the middle of the docket, and must wait its turn in the regular order of procedure. It was in fact early in February when Palaver, with his little black grip in hand, boarded the cars and went whirling away toward Nashville to have his say before the august tribunal that had been sitting there listening to able speeches till it had grown weary of much prating.

The attorney on reaching his destination first went to call on his client, who was now safely domiciled in the Nashville jail, and give him fresh assurance of triumphant victory upon the morrow. He then betook him to the best hostelry in the town, and after cracking many jokes with old cronies, and tipping glasses over the saloon counter a few times with the same, he tumbled into bed, and was soon by refreshing slumber befitting himself for the trying exercises of the following day. Next morning he puffed up the steep hill upon which sits the imposing building occupied as a State capitol, and was soon in the presence of the five pleasant-faced and pleasant-spoken gentlemen with whom in this particular matter were the issues of life and death. Nothing abashed, the lawyer took his seat on one of the long faded sofas that skirt the apartment and made ready by concentrated mental effort to astonish the court when his time should come. A little way off on another dingy sofa sat Randolph Pearson, calm and dignified outwardly as usual, but slightly perturbed, as the occasional crossing and uncrossing of his feet and other nervous movements of the body indicated.

That the deeply interested farmer had some reason to be anxious as to the result was demonstrated to his own satisfaction before the argument of the case proceeded very far. The so-called bill of ex-

ceptions upon which the court was to rest its finding was a great mass of manuscript that, rolled up, would have made a bundle as large as an average gate-post. It was rolled up at the outset and tied with a stout twine string. When unbound the pieces uncurled and scattered themselves about on the table, and rolled, many of them, off the table, and traveled about on the floor, till the industrious attorney who was supposed to have them in charge found great difficulty in keeping up with them. These fugitive fragments of literature were supposed to contain the testimony of the numerous witnesses who had given evidence on one side and the other in the trial of Johan Ankerstrom before the circuit judge and jury. The language of the witnesses had not been taken down by a stenographer as the trial progressed, but after its conclusion Palaver had written down at great length such statements and admissions as he thought to be favorable to his side of the controversy, and the district attorney—who had much other matter on his mind—had written down succinctly the testimony of the State's witnesses, and after conference and some eliminations and alterations here and there, the whole had been presented to and signed by the circuit judge as a correct bill of exceptions. Now, the Supreme Court looked at the great mass of papers in a helpless way, for they could not have mastered the entire contents in a week's solid reading, and they had probably less than an hour's time to devote to it. They were able, learned, and conscientious jurists, these five gentlemen who now sat on the supreme bench of the State, but they were human and of limited capacity for work, and all and severally might have cried out any day of the year, "The burden that's laid upon us is greater than we can bear." In requiring them in a very brief space of time to thoroughly post themselves as to all the facts brought out in the long trial, and thus practically to retry the case on its merits, the law had imposed on them a task impossible of performance, and they could really do little more than rely on the opposing attorneys to state these facts as disclosed by the record.

As Pearson sat on the dingy old sofa and heard fragments of the voluminous record read, he could not help reflecting upon the insufficiency of this method of informing the judges as to the facts in the case. The manner of the various witnesses, their changes of countenance, the hundred other evidences of truth or falsity that profoundly impress a jury, are all lost when their words are taken down on paper, to be read afterwards by strangers. This would be

true if the words were taken down literally as they fell from the lips of the witnesses, but when they are committed to paper some days after the conclusion of the trial by interested attorneys, the difficulty of having the record speak the real truth becomes greatly magnified. As he sat now and listened while Palaver in persuasive tones narrated to the court the facts, dipping here and there into the record to substantiate his statements, he, Pearson, was greatly surprised to find that the case as it was impressed on the minds of the five judges before him bore no very close resemblance to the case which had been presented by sworn witnesses on the stand in the court below. Palaver had a tremendous advantage over the attorney-general for the State in the fact that he knew exactly what the bulky record contained, while the latter official had never heard of the case till the papers reached the Supreme Court, and had only given it since such investigation as a tired mind could give one of many similar cases before him. Palaver, therefore, with impunity dipped here and there in the record, as a shrewd manipulator would sample a hogshead of tobacco, and extracted such fragments of evidence as it suited his purpose to read, connecting this and that as he proceeded, and making on the whole a smooth and highly probable tale. The old widow had made one statement which, if true, clearly proved the guilt of the negro Kinchen, for her neighbors then present caught him and hung him for the crime. Afterward she made another statement which implicated the prisoner at the bar, and if the issue here was one of fact alone it could not be said with assurance that the defendant was guilty, for it could never be known which of her opposing statements was true, if indeed either was true. The prisoner's conduct immediately after the homicide was certainly not such as to indicate a consciousness of guilt on his part. He was found with others there on the ground, taking an active part in the violent proceedings that led to the death of the negro, Kinchen, against whom he could have had no sort of grudge, except that he believed him to be the perpetrator of the foul crime just committed. Twenty-four hours later we find the prisoner in the public highway, calmly talking to the sheriff. He had eaten dinner on the same day at a farmhouse in the neighborhood, and afterwards had laid down and taken a long nap under a tree in the yard. All this certainly indicated a quiet conscience on his part. That he subsequently became

alarmed and hid himself was quite true, but what ignorant foreigner was it that wouldn't seek a place of concealment when he learned that an angry mob was scouring the country for him, determined to kill him as soon as he was captured? The prisoner was a foreigner. He was poor and very ignorant. He had not a friend in the neighborhood of the tragedy to whom he could appeal for protection. What else could he do under these circumstances but secrete himself from observation till the wild storm had blown over and reason had resumed its sway in the community?

As the lawyer went glibly on with his statement of facts Pearson could see he was making an impression on the five trained judges before him. Not that they were ready by any means to conclude that the prisoner was innocent of the crime laid at his door, but that they felt there was doubt enough on the subject to make a thorough investigation of the record necessary if the case was to be determined upon the facts. This was precisely the frame of mind in which Palaver wished to have them as he took up now the question of law upon which was his real reliance in his earnest application for a new trial.

Randolph Pearson, sitting back on his dingy sofa, saw at once that here was the battle ground in the present contention as it had been in the court below. The attorney-general for the State, who up to this moment had been examining the papers in another cause, now pricked up his ears and became an interested listener as Palaver launched with confidence into his argument. Pearson, a plain and conscientious man, had persuaded himself that the fierce effort of the prisoner's counsel before the circuit judge on this point was but idle chaff, and would not be repeated in the presence of the five able jurists who sat on the supreme bench. He not only saw now that he had been too hasty in jumping to this conclusion, but found to his surprise that the considerations which had induced him to think that the dying statement of the old widow must necessarily be admitted as evidence were not even alluded to by counsel on either side. That she was recognized in her own community as a very clear-headed and truthful old woman before the murderous attack was made upon her, that her character generally was such as had won for her the respect of all her neighbors, that she was entirely at herself when she narrated the dreadful incidents of the night which was her last on earth, that she told a story so clear and connected that it carried conviction with it to those who stood about her bedside, all this, which Pearson thought would be con-

clusive of the question he now found had little or nothing to do with it, or, to speak more correctly, these facts were hardly manifested at all by the record, and evidently had not been brought home to the knowledge either of the court or the attorney-general for the State. The latter official was a good, sound lawyer with, as said, many other matters upon his mind, and many other cases besides the present one that would soon demand his attention. The primary question before the court was as to whether the *ante mortem* statement of Mrs. Bascombe was admissible at all as evidence when it appeared plainly from the record that it was not considered by her at the moment of its utterance to be a death-bed statement. If her relation was admissible as evidence then might arise the further enquiry as to her mental condition at the time, the inducement that prompted her tale, her character for truth, etc. All this would be proper matter for investigation if the court should hold that a dying declaration might be introduced as evidence in a criminal case when the person from whom the utterance came was not contemplating speedy death.

Supreme judges, like other folks, are human beings, with human impulses and human sympathies. Their decisions, like ours, are often swayed, and properly swayed, by facts appealing in a particular case strongly to their sense of right and justice. There are certain well-settled rules that can not be overridden at will, but even these may often be modified, or not applied in full force, where substantial justice demands that such course be taken. Where there's a will there's a way, and if the judges in the present instance could have realized what a truthful, courageous old woman the widow Bascombe had been in life, if they could have been aroused as to the deep damnation of her taking off, if they could have seen further that by excluding her narration a brutal scoundrel would go unwhipped of justice, their consciences would have rebelled against a holding that led to such conclusion. As it was, they did not comprehend all this at all, but had only a dry question of law to deal with. As the matter was presented to their minds they could not say with assurance whether the prisoner was the object of misplaced mob fury, or the perpetrator of a horrible crime. Thus Palaver waged his fight from the vantage ground of having at least the probable right of the issue on his side when he contended for the application of an old rule of evidence which had never been seriously questioned in the State before. The Attorney-



General, on the other hand, while he argued for the modification of this rule, did so without much heart, and evidently with little expectation of inducing the court to sustain him in his contention. He touched alone upon the legal aspect of the question, cited authorities from other States in support of his position, and left the disputed question to the decision of the court without dwelling on its importance in the particular case under investigation.

The following Saturday was opinion day, and Pearson was back in his place, as was also the prisoner and his counsel. The court held, and Pearson was not surprised, that the record disclosed but little evidence upon which to base a conviction, except the statement of the old woman, Mrs. Bascombe, made to those about her a few hours before her death. That she had been cruelly assailed by some one was not a matter of doubt. A negro had been hung by a mob for the attack upon her, and afterward she recovered consciousness and made a statement criminating the defendant. This statement was made only a few hours before her death, but it certainly was not made by her in view of approaching death. It was not a dying declaration within the meaning and contemplation of the law. No statement could be considered such unless it was not only a death-bed statement, but made with the knowledge and belief on the part of the speaker that death was imminent. The decisions on this subject were too clear and of too long standing to admit of question now. His honor the circuit judge erred in admitting to the jury as evidence a statement directly criminating the prisoner, which was made by the murdered woman not under the impression that she was about to die, but—as the record disclosed—under the confident hope of recovery. For this material error the case was reversed and remanded and a new trial awarded the prisoner.

The prisoner's counsel with a radiant expression of countenance took his way out of the court-room, and Pearson slowly followed. As the attorney passed through the door that led into the hall a little old gentleman stood, cap in hand, just without. The little old gentleman bowed very low to Palaver, and remarked fervently as the latter passed on, "Cot pless you, mine frient." The attorney acknowledged the salute graciously, and as he proceeded along the hall Pearson heard him tell a companion by his side that the little old gentleman was the father of his client, Ankerstrom, the conviction against whom had just been reversed by the Supreme Court. Palaver further informed his companion

that the little old gentleman who had invoked heaven's blessing upon him was one of the very best men in the section from which he hailed, and was also a very devout old man, as was plainly indicated by the pious benediction that had just fallen from his lips.

## CHAPTER XXIX.

## WHICH TELLS OF A CAROUSAL AT THE JAIL AND A SOBERER GATHERING IN THE WOOD.

THAT evening the pious old gentleman whose reverential manner had won the flattering indorsement of his attorney, took occasion to celebrate the decided legal victory achieved by a visit of congratulation to his affectionate son in prison. He went armed with a letter from his lawyer, saying he hoped the courtesies of the place might be extended to Mr. Ankerstrom of Chicago, who was a gentleman in every way deserving any attention that could be shown him. This was fortified by a note on the back of the paper from the sheriff, instructing the jailer to let the visitor have a conference with the prisoner, Ankerstrom, and to give the two a private room if one could be spared for the purpose in the establishment. The devout old gentleman purchased a liberal supply of liquor, which he concealed in the folds of his overcoat, and when the shadows of night had been chased away by the electric lights of the city presented himself at the jail door and handed in his credentials. The decision of the Supreme Court in Ankerstrom's behalf was considered by all the officials as the practical ending of the case against him, and therefore the keeper of the prison had less hesitation in relaxing to some extent the rigidity of the rule that required his constant confinement in very contracted quarters. Moreover, the pious demeanor of the old gentleman, and the fact that he stood particularly well in the community from which he hailed, induced the jailer to be as indulgent as he possibly could, and he ushered Mr. Olof Ankerstrom, after he had read his letters of credit, into an apartment about ten feet square, with a small cheap table and two or three rather rickety chairs for furniture. The single window of this room was heavily grated, as was the door that led into it, though there was a wooden door also that closed from within, so that the occupant—if he was of vivid fancy and refrained from looking

out at the window—might imagine himself to be in a snug apartment of an economical hotel. Mr. Olof Ankerstrom seemed to take this cheerful view of his surroundings, for when he had followed the jailer within he rubbed his hands toward the little grate where the fire ought to have been and exclaimed heartily: "Ah, dis ish nise, dis ish nise."

"It's the best we can do," replied the jailer, and he told the truth. There were other and better furnished apartmnts about the house, but they were for visitors who would not be tempted to abuse the hospitality of the host and forsake the premises without taking formal leave.

Presently Johan was brought in, and on even his scowling features there was something like a grin, for he considered himself almost a free man once more. The old gentleman was effusive and shook hands with his son, and danced around his son, and gave other tokens of extravagant esteem, though he met with no more response than if he had been doing homage to a wooden image. Johan seemed to be a little amused at the monkey antics of his demonstrative parent, and to entertain at the same time an indisguised contempt for him, but he displayed not the slightest evidence of affection or appreciation of the sacrifices the latter had made in the effort to save his worthless neck.

When the turnkey had locked the door behind him and left the two alone, the elder Ankerstrom drew from the deep side pocket of his overcoat a flask containing a pint of liquid, and so fashioned that the top part of the cover being removed formed an excellent drinking cup. Depositing this carefully upon the table he drew from the opposite side pocket a smaller phial labelled "Cocktail Bitters." Placing this by the side of the flask he next extracted a half dozen lemons and some lumps of sugar. Having thus unburdened himself he withdrew a step or two from the table, and lifting both hands surveyed the whole with affectionate admiration. The apartment was rather contracted for a festal hall, but it was evident the old gentleman had come to make a night of it. "Ve haff no ise," he said presently to his son when he had poured out a drink, "but the shentleman haff locked us up in his ise-house, vich vill do shust as veel."

With this facetious remark the old gentleman handed his son as liberal a drink as the cup would hold, which the latter gulped down without a word. Then the devout old man himself swallowed a draught of the liquor, and was about to cork the bottle

when Johan reached forth his hand and grunted for more fire-water. The request so graciously preferred was cheerfully granted, and the old man then set down the flask. For an hour or more they talked, or rather for that length of time the old man's loosened tongue ran, and again and again when they found the evening growing dull they resorted to the flask and the cocktail bitters to cheer their flagging spirits. When the flask became exceedingly light and a look of apprehension overspread Johan's countenance, the old man drew from another pocket another flask, and holding it triumphantly aloft reassured his offspring. What subjects the two discussed, or rather upon what topics the old man held forth in the course of the evening, 'twere long to tell, and the reader would find it dull entertainment if 'twere set down. The old man spoke in a low tone—for walls have ears—and often spliced out his meaning with gesticulation and expressive shrugs of the shoulder. He informed his son, for the latter's comfort, that he would stick to him till he was once more a free man, though it might be some time yet before that consummation would be reached.

"Dey vill park at you, my zon, and vill haff your neck in te tam noose anyhow, if so be dey kin. Dey are bad peobles, bad peobles, dese tam hill volks, and vill not respect de law like coot zitizuns. Dere vill pe otter trials, otter trials, mine zon, and more tam vitnasses, and more talking uff lawyers, and hell to pay shine-rally, but te Ankerstrom vambly vill pull troo dis throoble as dey haff pulled troo many anotter throoble; haff no vear uff dat. If dere vas von man out te vay I vood sleep vell dis night. I vould sleep hearty and sound dis night, s'help me, if dot tam Perryerson vas in te otter vorld, vere he belong. He push dis pizness too fur. He meddle vid vat do not concern him. Mine lawyer, Perlaffer, he zay dere voot pe no otter trial if Perryerson vould be quiet. Ah, mine zon, but he vill not pe quiet, mark dat. He vill not pe quiet, mine zon, oonless soompody giff him someding to quiet him."

The son here blurted out a fierce oath, and growled an inquiry that brought the old man in an instant to his feet. He threw up his hands in alarm, and uttered a warning sh-sh-sh. Then he sat down again by Johan's side and spoke in a whisper: "Zay notting, zay notting, mine zon. Ve vill attend to de case uff dis man Perryerson. I haff a frient, a coot frient, uff de name uff Kervackenparse, but dey calls him Alabam' Zam for short. He

is a coot doctor for dem vat meddles vit otter people's pizness. He is a coot man, dis Alabam' Zam, and mine true frient. I will lay de plan for to quiet dis Perryerson, and Alabam' Zam vill do de vork; so be if throoble comes his neck vill go in de halter and not mine. Pizness is pizness. Keep a still tongue in your head, mine zon, keep a still tongue in your head, like as you haff done up to dis minit. I kiff you de praise for dat. Do not visper, do not talk in your sleep, do not say a single vord against dis coot man Perryerson, and de next time your case goes to de shury you may luke all ofer de court-room, but you vill not see him!"

The old man here rose, and walking backward as far as the contracted space in the room would allow, kept nodding to Johan, who was sitting stupidly in a chair with his elbows resting on the table. More liquor was poured out, and they both drank again. The old gentleman before he drained his glass held it high and gave this toast: "Here's to de man vat meddles mit otter people's pizness. May he live long and pe 'appy—in some otter vorld."

He was a little unsteady upon his pegs as he gave utterance to this sentiment, but did not lose his caution, as was demonstrated a moment later when the turnkey unexpectedly opened the door and entered the room. The old gentleman, who was standing at the time with his feet rather wide apart, bowed politely to the new-comer, and with his unemptied cup still in his hand addressed him as if he had been an assemblage.

"Shentlemen," he proclaimed, speaking in a louder tone than he had used before, "I drink to de law. De frient uff de guilty and de terror uff de innocent."

"You are getting a little mixed, old man," replied the good-natured official.

"Ah, s'help me," answered the old man after he had swallowed his liquor. "I zee, I zee. Peg bardon, peg bardon. I said de frient uff de guilty and de terror uff de innocent, wen I should haff said de terror uff de innocent and de frient uff de guilty. Anyway I shake your hand now, mine frient, and tank you for your osserbortality. If so be you should effer come my vay I vill return de same, s'help me."

With these kindly assurances the old gentleman took leave of the company and went his way to his lodging in the town, and thence next morning to other parts. His son was dragged, more asleep than awake, back to his cell, and left to snore off the effects of his carouse. There he remained for many days and many

weeks, for it was not known how the unruly hill folk would take the reversal of the verdict against him, and if they displayed an ugly temper he would probably be safer locked up at the capital of the State than if incarcerated elsewhere.

Randolph Pearson, as the reader may easily imagine, was in no humor for jollifying on the evening of the important decision in the Ankerstrom case. He saw at once that it meant almost inevitably the final discharge of the prisoner without punishment for his fearful crime. Most probably the court itself had not realized that this was the necessary consequence of the decision rendered. In the vast mass of testimony included in the so-called bill of exceptions there might be ground for conviction after the statement of the murdered woman was excluded; at least it was impossible for the court at the time the decision was rendered to say to the contrary. The attorney-general for the State had hardly dipped into the evidence in his brief argument, and Palaver's skilful summing up of the facts disclosed by the voluminous record was of course taken by the experienced judges *cum grano salis*. When the case was reversed and remanded the judges had only disposed of the single legal question presented, Pearson, however, knew their decision was equivalent to a verdict of not guilty, and as he took his way homeward late on the same evening he bitterly reproached himself for having interposed between the life of this brutal murderer and the vengeance of the mob. The train reached the station nearest his place of abode about nine o'clock at night. He mounted the horse he had left in waiting there, and rode forward in the darkness all alone to his residence, several miles away. As he went he revolved the whole matter seriously in his mind, and before he retired to rest his plan of action was determined upon. Pearson was a man who had the courage of his convictions, and, like the Apostle Paul, when once convinced that he had been in error he lost no time in changing his course and setting forth with zeal in a new direction.

Teddy McIntosh was summoned next morning, and after a brief interview with Pearson rode over to consult the dignified and deep-voiced young man who held the distinguished position of Grand Cyclops of the Klan. Without his approval, indeed in the absence of his direct order, there could be no summoning of the members of the secret order to meet in council, and young McIntosh now was the bearer of a message from Pearson requesting that a meeting be held at some date in the near future.

Later on several riders were quietly going from house to house in different localities among the Marrowbone Hills, and before the following night had far advanced the entire brotherhood was notified.

The season was too inclement to admit of a gathering in the open woods, and the klan therefore was summoned to assemble at an old deserted log house, in the chimney place of which a fire could be built, and whose dilapidated roof and walls would afford some protection from the weather. Snow began falling early in the evening set for the gathering, and fortunately continued far into the night so that the track of those summoned to the rendezvous would be lost before next morning. Nearly all were present; many had come on horseback, some on foot, and at the appointed hour they stood huddled close together in the single room of the old log building, bespeaking each other in low tones and stamping their feet to keep the blood in circulation.

When the opening ceremonies had been concluded, each member present being robed now in somber black gown and cap, the Grand Cyclops informed the attendant hobgoblins that the Supreme Court of Tennessee had reversed the Ankerstrom case, and remanded the same for a new hearing to the court below. He had summoned the klan for the purpose of imparting this important intelligence, and to ascertain their further will in the matter. A member then moved that the case of the murderer, Johan Ankerstrom, be taken up by the klan for immediate consideration. This being unanimously adopted, there was a moment's silence, and then a motion was put, and unanimously carried, that the case be at once referred to the Dreadful Ulema for its decision. It was evident all were aware of the fact that some decisive action was to be taken to-night, for there was no hot discussion, no debate of any kind. The proposition to refer to the court of the order was promptly adopted, and all awaited in silence the final rendering of that tribunal.

The delay was not long. There was a brief conference of the three members of the court in an old stable a little way off from the house, and this over they solemnly filed back into the room where about three dozen serious men awaited their coming. Pearson was the spokesman, and announced the conclusion of the court in clear, steady tones: "We find that Mrs. Susan Bascombe was murdered in this county nearly two years ago by a man known among us as Cross-eyed Jack, but whose real name



is Johan Ankerstrom. We find that this murder was done at midnight, and that it was brutal, cowardly, and unprovoked. We find that the regular legal tribunals of the country, in consequence of certain rules by which they are bound, are incapable of dealing with the criminal as reason, justice, and the preservation of order in this community demands. We therefore conclude that the time has come for this brotherhood to act, and in announcing our decision we call God to witness that our conduct is not the result of passion, but springs from the deliberate conviction that our homes and our good women must be protected at all hazards. For the murder of a good old woman at midnight in a peaceful community we adjudge Johan Ankerstrom to be worthy of death, and our sentence is that by such means as may be hereafter determined upon he be taken from the custody of the regular legal authorities who have held him so long and at the spot where his brutal crime was committed be hung by the neck until he is dead."

In solemn silence this decision of the high court of the order was read, and not the slightest demonstration followed its conclusion. In accordance with the regulations of the society the finding of the court was then submitted to the members for their ratification. A small box containing white and black balls was carried through the crowded assemblage, and each of those present took therefrom two balls of different colors. The attendant then stood with his empty box near the judges, and the hobgoblins in silence, and robed in black, approached one by one and dropped a single ball into the receptacle. The sliding door was moved back as each drew near and closed again when the ballot had been deposited. When all present had voted the attendant drew the balls singly from the box and held it up in the feeble light for inspection. A single white ball drawn forth would for the present at least have annulled the decision of the court. The count was awaited with the utmost anxiety, and when it was concluded a deep sigh of relief went through the black-robed assemblage. By unanimous vote Johan Ankerstrom had been adjudged worthy of death.

It was one thing for the klan to resolve that the prisoner in the Nashville jail should be sent out of the world for his misdeeds, and another to take the necessary steps to carry this resolve into execution. The whole matter was left to the discretion of a committee, of which Pearson, while not named as one of

the number, was the real head. It was determined that no violent attempt to break into the jail should be made, but that by some stratagem custody should be obtained of the criminal's person. This might require some further delay, but with the understanding that all reasonable diligence should be used in the furtherance of this purpose the resolute regulators were content to wait. The die now was cast. At some date in the near future the scattered members of the klan would again be called together, this time to witness the execution of the wretch who by taking advantage of the "law's delays," and the technical rules that hamper justice, had so long escaped the fate he richly deserved.

Before the assembly dissolved, Pearson spoke a few words to his neighbors and friends gathered about him in the cheerless room. They were words not of apology, but of justification for himself and others in postponing so long the action that had just been taken. Mob law, or the infliction of punishment for crime by unauthorized citizens, he repeated was conduct not to be justified in a community until it had been abundantly demonstrated that justice could not, or would not, be inflicted through the medium of the courts. Where the laws were capable of dealing with crime, where the courts could be relied on for the speedy administration of justice, mob law was never justifiable. It was almost suicidal, for when good citizens resorted to illegal violence they encouraged the disorderly persons among them to pursue the same course. Moreover, when the good people of any community took the law in their own hands they advertised to the world that their laws were inefficient, or that they had no confidence in the officials whose duty it was to administer them. No matter how monstrous a crime was good citizens would always leave its punishment to the proper authorities if they believed an investigation would be speedily held and the guilty offender promptly made to pay the penalty. For these reasons he, and those who agreed with him, had hesitated long before advising that the murderer, Ankerstrom, should be dealt with by others than the legal authorities. Nearly two years had now passed, and apparently the punishment of the murderer was farther off than any one in the neighborhood had supposed it could be at the outset. The chances were all in favor of acquittal at the next trial of the prisoner before a jury, and even in the improbable event of his conviction an appeal would again be taken by his attorney, and this would postpone the final decision of his

case nearly, if not quite, a year longer. No blame at all was to be attached to the officials, said Pearson, who spoke calmly and temperately throughout his brief address. They were good men, the judges were conscientious, and undoubtedly learned in their profession. The trouble seemed to be that the law itself was not abreast with the times. In this business age to say that a guilty man cannot be punished until two or three years have elapsed after the commission of his crime is to say that justice is not to be administered without radical change in our laws. He, the speaker, believed at the outset that the murderer of the widow Bascombe would be speedily tried in open court and punished for his crime. So believing he resisted to the utmost any attempt to interfere with the due course of law. Now he saw his mistake, and as such crimes could not be permitted to go unpunished with a clear conscience, he recommended that the wronged people of the community take the law in their own hands and deal with the evildoer as he deserved. "Mob law," said Pearson in conclusion, "is to be avoided, my friends, as long as possible because of the terrible mistakes it sometimes makes. Because of the fact that passion, and not sober reason, dictates its decrees. Because it begets contempt for the law in the minds of the evil disposed, who can only be controlled by respect for the law. Because it proclaims to the world that the community which resorts to it, or upholds it, is not wise enough to provide a regular method for prompt punishment of its criminals, but must accomplish this end, if at all, by spasmodic effort, made in a burst of passion. Mob law, wherever it may be found, and whatever the provocation that calls it forth, is a thing always to be deprecated by sober citizens. It is never to be justified except upon the ground that there would be otherwise a failure of justice, and whenever this excuse is offered it necessarily reflects upon the community in whose behalf it is presented. It is therefore with the utmost reluctance that I have at last consented to the execution of the plan upon which we have all agreed here to-night. I congratulate both you and myself upon the fact that our course has not been determined upon in haste, but after the display of so much caution and deliberation that there is reason to fear the lesson of the murderer's punishment will be lost upon the community. Many no doubt will be ready to censure us for our long delay, but wise people will see in it only our great reluctance to interfere with the law and the constituted authorities. I trust the time will soon

come in Tennessee when a man may be arraigned for crime, given a prompt hearing in the courts in a plain, common-sense way, and speedily liberated or punished for his crime, as reason and justice may dictate. When that time comes every good man will be glad to uphold the law, and the secret order of the K. K. K. may be disbanded forever."

The dull fire in the old house was entirely extinguished. There was the hum of low voices for a few minutes, and then the members of the klan disappeared and went their several ways in the thickly falling snow.

## CHAPTER XXX.

## THE UNGENTLEMANLY BEHAVIOR OF ALABAMA SAM AND DE LITTLE OLE WHITE MAN AT THE ABODE OF PATSY KINCHEN.

TEMPLETON had not been present at the meeting of the klan described in the last chapter. His home was in another county, and consequently it was not often he could be with his friends and brethren of the order at their gathering by night. He was a member in good standing, however, and very popular with them all, for he was generous, truthful, and, though a trifle impulsive, could always be relied on to exercise both courage and discretion when these qualities were needed. A fortnight or so after the klan had determined to take action in the Ankerstrom case he paid a visit to the Marrowbone Hills, remained all night and most of the following day at the Habersham habitation, and then, being somewhat of a lady's man, as the reader knows, rode over to pay his respects to Miss Sue Bascombe. Templeton had a high respect for Miss Bascombe, considering her a fine girl with no nonsense about her, and besides she was associated with him in the K. K. K. hobgoblin league upon some dreadfully mysterious footing which the author of this chronicle fully understands, but which he is not at liberty to divulge.

When the young man reached the abode of the lady whom he proposed to honor with his call he was not particularly pleased to find a horse, with a man's saddle, hitched at the rack. He thought perhaps it was Slowboy come again—for he had heard of the former visit of the lawyer, and his startling adventure in the hills—but upon entering the house found his sober friend Randolph Pearson comfortably settled in an arm-chair by the fire. Pearson bade him a cheerful welcome—though he looked a little disconcerted at his unexpected appearance—and the young lady greeted him with a cordial handshake, which led him to conclude she was really glad to see him.

"We were discussing an interesting matter when you came

in, Mr. Templeton," remarked the girl after the three were seated, "and would like to have the benefit of your judgment upon it. Last year, as you will remember, my horse was stolen by a rather singular old man who passed himself off for a farmer. Not long before that your nag and Polly Habersham's saddle horse were both taken on the same night by a rather singular old man, who, I think, passed himself off for a Bible agent."

"No more o' that if you love me," cried Templeton, calling Falstaff to his aid.

"But it was so," continued the young lady. "Now nobody at that time could imagine who this little old man was, or where he came from, or, what was of more importance, where he went to immediately after concluding each of these business transactions. It was as mysterious—the sudden appearance and disappearance of this old gentleman—as the adventure that befell my friend, Mr. Slowboy, up yonder in the hills some time since, of which I suppose you have heard."

"I have heard all about it," quoth Templeton, breaking into a hearty laugh, "and I'll tell you what's the fact——"

"Coming back to the point," resumed Miss Bascombe, "this same old man, or some other old man answering to his general description, has been dodging about in this neighborhood again of late, and we're very sure he can be after no good. He has turned up at three or four farmhouses as a peddler, though he seems to have retired from the Bible business. Once or twice he and a tall black negro have been seen skulking together up in the hills, and only last night the two went to the house of Patsy Kinchen—the wife of Sandy, whom they hung—and got supper there. Patsy came over just now to tell me about it. She is in the kitchen now."

"Fetch her in at once," cried Templeton. "I want to get on the track of that old Bible peddler if the thing can be accomplished. If I had him out to one side now I'd make him think the Turks were a merciful people."

Patsy, being summoned, presently appeared at the front door of the residence. She scraped her feet a good while on the mat here before venturing in. Finally she trod as lightly as possible through the hall, and slowly turning the knob of the door that led into the company room she introduced her person sideways into that apartment.

"'Devenin', ladies and gen'lemun," said Patsy politely, when

she had closed the door behind her. "'Devenin' Miss Sue. 'Devenin', Marse Ran. 'Devenin', Mr. Unbeknowns." (Patsy, had no acquaintance with Mr. R. L. Templeton.)

"Come in, Patsy," said Sue, "and tell us about the visit of the little old white man and the negro to your house last night."

"Must I tell it ag'in, jess like I told it to you?"

"Yes, begin at the beginning, and tell it all."

"Wal, den, if so be I must," began Patsy hesitatingly, "and dar ain't no help for it neither one way nor t'other, I s'pose I'd jest as well begin, and go right straight along wid it. Last night, den, ladies and gen'lemun, and Miss Sue, and Marse Ran, and Mr. Unbeknowns, whiles I was a sittin' in my room wid my cob pipe in my mouth—supper having done been ett—and my boy Pete, like he in jeneral do atter supper, was sittin' up in de cornder 'sleep; and de dog which dey calls Jineral Beauregard, sich bein' his name, was likewise up in his cornder 'sleep; de fust thing I know'd he riz, de dog did, and turn his ha'r de wrong way and growled. I say to myself, I say, 'Why hi, what dat dog growlin' at?' De words hadn't hardly got out'n my mouth befo' de door open—'twa'n't latched—and in comes de little old white man—what I told you 'bout, Miss Sue—and Alabama Sam clost at his heels. 'Coot efenin', laty,' say de little ole white man, a bowin' mighty low." (Patsy bowed herself here to the company, to show how the little old white man had bowed.) "'Coot efenin', laty,' he say; and de very minit he called me lady I know'd he wa'n't no gentleman. In dey bofe comes do, and Alabama Sam, which is given up to be de meanest nigger in all de country, he took a cheer widout bein' axed. Den de little ole white man he bow ag'in, and spread his hands, and smile, and sidled over into de cornder, and took anodder cheer. And atter he done took his cheer he riz up all of a sudden and say to me, 'Laty, coot you giff us a pite to eat?' I got right up for to wait on him bekase I seed he was some kind of a furriner, and I was minded of dat furriner what got Sandy into his scrape. Whiles I was a fixin' supper de little ole white man and Alabama Sam dey drawed dar cheers close togedder, and talk kinder low to one anodder. Ev'y now and den I could hear a word, and Pete heerd nigh onto ev'y word dat was spoke. Pete had done woke up, mind you, but didn't let on dat he was woke up. De sum and substance of it all was dat dey was fixin' to do sumpen what was gwine to raise hell in de country no sooner'n 'twas did." (Whether the pro-

fanity originated with Patsy, or was intended as a free quotation from the conversation of her visitors, did not appear.) "What dat sumpen was dey was fixin' to do dey didn't zackly say, but from de roocus dey was spectin' it to kick up it was bound to be wusser'n any common devilmint. I went on fixin' de table, and never sa'd nothin' 'cause I know'd Alabama Sam was a mean nigger, and de little ole white man what kep' company wid him wa'n't no better'n him. Atter while dey bofe sot down to de table and ett up all de vittles dar was in reach. When dey got up de little ole white man bow low ag'in and spread his hands and say, 'Cot pless you, mine frient,' which was mighty small pay for the vittles dey had 'stroyed. Den Pete he woke up sho nuff, and say we axed a quarter for supper. And Alabama Sam he says to Pete, 'We charges a dollar a piece for our company, and de fust time you git de change you kin hand me de balance wot's comin' to us.' Den dey bofe sot by de fire and smoked a while, and when dey riz to go de little ole white man he say to me:

"'Vere your husspund, laty?'

I say he was dead.

"'Dot ish pad, dot ish pad,' de little ole white man say. 'What make your husspund die? Vot de doctor say vos de matter?'

"I never say nothin', and Alabama Sam he spoke up, and say, 'De damn white folks in dese parts hung him kase he was a nigger.'

"At dat de little ole white man flung up bofe his hands and shook his head and say, 'Mine Cot, vot a coontry, vot a peobles.' Dem's de very words he spoke. And atter dat de little ole white man and Alabama Sam took deyselves off, and I hain't seed nary one of 'em sence."

When Patsy had concluded Mr. Bob Lee Templeton rose and remarked, "That's the very infernal scoundrel that took my horse. Patsy has hit him off to a T."

"I think," chimed in Miss Sue, "he's the very scoundrel that took my horse. Patsy's account corresponds well with the description given by Uncle Davy of the little old white man who rode Dandy Jim off through the middle of the town in broad open daylight."

"I think," said Pearson, who had been sitting by the fire musing, "I am safe in going one step farther and saying I know pretty well who the little old white man is. If I am not much mistaken I saw him on the steps of the State Capitol the day the



Supreme Court rendered its decision in the Ankerstrom case. He there used the very words Patsy has put in his mouth—'Cot pless you, mine frient'—and she has mimicked his tone and described his obsequious manner to perfection. The man I heard using the expression was addressing Palaver, Ankerstrom's lawyer, and Palaver told the friend with whom he was walking that the old gentleman was the father of his client, and a most exemplary citizen in the State from which he came."

"The devil," says Mr. Bob Lee Templeton.

"Ladies present," remarked Miss Sue.

"De reason I come to tell you," resumed Patsy, "was bekase I seed dat nigger and white man was up to some devilment. And bekase dey 'stroyed my vittles widout bein' invited. And bekase dey bemeaned our white folks by chargin' up to dem what was did by dat low lived furriner, Cross-eyed Jack. And bekase de little ole white man called out, 'Mine Cot, vot a coountry, vot a peobles' right dar in my house, and I wa'n't used to sich langwidges. Dat's de reason I come."

"You did exactly right, Patsy," quoth Mr. Bob Lee Templeton, "and here's a dollar to pay for the vittles the two scoundrels destroyed. Now the next question is, which way did they go?"

"Dat I can't say," answered Patsy. "Whar dey come from I dunno. Whar dey went to I dunno."

"Well, I'll tell you what," said Mr. Templeton. "Pete found the scoundrel they call Cross-eyed Jack——"

"Pete and Jineral Beauregard done dat," interrupted Patsy. "De dog found him fust."

"Very well," said Templeton. "Now let Pete and Jineral Beauregard find Jack's daddy and there's two dollars apiece for them here in my pocket. That is," explained Mr. Templeton, "there's two dollars for Pete, and two dollars more, you understand, to be expended by Pete for the dog's benefit."

"Dat's right," said Patsy; "for de dog do need a brass collar, same as other gentlemanlike dogs has on."

"Do you think Pete and Jineral Beauregard can find 'em?"

"Dey ain't to tackle 'em atter dey come up wid 'em?"

"No, just to find 'em and let me know where they are. I'll do the tackling when I come up with the little old white man."

"You see, Patsy," explained Miss Bascombe, "the little old white man has in his possession several Bibles for Mr. Templeton, which he has failed to deliver."

"That's all right—that's all right," replied Mr. Templeton good naturedly. "You tell Pete to take his dog and go hunting for Alabama Sam and the little old white man, and as soon as he finds 'em, Patsy, to come back here, and let Miss Sue Bascombe know where they are stopping. He can find 'em without taking any chances. If he came close upon them they wouldn't hurt him."

"Dey ain't gwy ketch him," said Patsy, "unless dey kin run mighty peert. Pete and de dog I b'lieves kin find out whar dey lodges ef you and Miss Sue and Marse Ran wants to know dat much about 'em."

"I would like very much to know, Patsy," replied Pearson, "and I think your son can get this information for us more readily than any one else, and that too without hts running any risk of getting hurt."

"And de news is wuth four dollars to dis here Mr. Unbeknowns?" inquired Patsy.

"It's worth five," replied the generous Templeton. "I'll make it five, Patsy. Two for Pete, two for the dog, and one for you."

"Nuff said," replied Patsy promptly. "Ef Pete and de dog kin make dat money by tromping round de country I'll see dat dey do it. Dey been tromping all dey lives for nuthin'; now dey kin tromp a while for money."

Patsy having withdrawn from the room there was an earnest discussion over the intelligence she had brought. That the little old white man was a horse thief and a bold scoundrel generally was pretty certain. He had done much mischief in the neighborhood and was back presumably to do more. The jail was the place for him, and if he could be located his apprehension would soon follow. How he and his gang had secreted themselves and smuggled horses out of the country during the preceding year was still an unfathomed mystery, but one that would probably be solved if the ringleader could be caught and safely locked up. The fact that the old man was the father of the prisoner, Ankerstrom, would make the whole community especially glad to get hold of him, and the three persons who were now discussing the matter could not resist the conclusion that his presence in the immediate neighborhood of his son's crime had some connection with the future conduct of the case. Templeton would return to his home on the following day, and Pearson was about to take a trip to St. Louis on business which would probably de-

tain him a week or more. It was therefore resolved between the three who sat in council that as soon as anything was learned of the whereabouts of the old man and his negro companion Sue Bascombe should promptly notify some member of the K. K. K. brotherhood and the arrest of the two villains should follow at once. Templeton was for having them before a called meeting of the klan and stringing them both up to a limb as soon as the formality of a moonshine trial could be gone through with. Pearson, however, set his foot down emphatically on this proposition, and as he outranked Templeton in the order the latter was bound to acquiesce in his decision. Sue Bascombe sat by quietly while the rather heated discussion was going on, and took no further part in it than to remark that if the gentlemen desired to hang the old scamp who had stolen Dandy Jim there was a rope very handy in the barn.

## CHAPTER XXXI.

AN INTREPID LAD AND HIS DOG, HAVING TRAMPED ALL THEIR LIVES  
FOR NOTHING, CONCLUDE TO TRAMP A WHILE FOR PAY.

WHEN Patsy Kitchen reached her humble but snug abode in the hills she lost no time in notifying Pete and the dog of the high trust that had been reposed in them by the members of the conference in Miss Sue Bascombe's parlor, and also of the liberal remuneration that awaited them in case of the successful performance of the allotted task. Patsy was honest, and explained to Pete—and also to the dog, who sat by and gave strict heed to her words—that five dollars was the sum promised for the faithful discharge of duty in the present case, of which she was to receive a single dollar as promoter of the enterprise, while Pete and the dog were to divide the remaining four equally between them. It was explicitly stated for their edification that it was not their duty to engage the enemy, if they came into close quarters unexpectedly, but they must rather consider themselves as a scouting party which was expected to obtain needed information at small risk, and which should always stand ready to beat a hasty retreat whenever an inclination for combat was discovered upon the opposite side. While combat, however, was to be avoided, and danger to be shunned, Pete and Jeneral Beauregard must bear in mind that their task was not accomplished when they merely came in view of Alabama Sam and de little ole white man, for Patsy herself had achieved this much upon the preceding evening. These worthies were to be tracked to their den, and word brought back, if possible, showing precisely where they hid when not engaged in depredating upon the community, and whether or no any other evil-minded persons consorted with them.

These matters being properly understood, Pete, with pardonable pride at being intrusted with so important a mission, set himself diligently to work to discover the whereabouts of Alabama Sam and de little ole white man. If he could once get on their trail

he anticipated no trouble in tracking them down to the place of their abode, which he made no doubt was at some of the many lurking places in the hills. He and Jeneral Beauregard had scented out rabbits, coons, foxes, and other varmints, starting often on a very cold trail, and to trace so clumsy an animal as a human being to his retreat would be an easy job compared with following up a wary four-footed beast of the wood. The first trouble, however, was to once more get wind of the two marauders who had come uninvited to his mother's house at night. Here he had more difficulty than he had anticipated, for though he rambled the country over for some days he neither saw nor heard of their having been at any other house, nor did he come upon either of them, as he supposed he would, tramping upon some one of the few roads in the country. The boy asked no questions, for to have done so might have disclosed the fact that he was interested in the movements of the two vagabonds, but he kept his ears open, and his eyes open, and sought faithfully for a clue that followed up would introduce him once more to their acquaintance. Unless they had taken themselves entirely out of the country they must obtain food somehow, and this could only be done by openly applying for it, as at his mother's house, or by depredating at night, which would certainly occasion a stir when the theft was discovered. They might have laid up, like the thrifty squirrel, a winter's supply in some hole, but Pete hardly thought this was probable, as they had not been heard of in the community until a few days previous, and they would have no motive that he could see in establishing permanent headquarters in the neighborhood. No horses had been stolen lately, no other wrongful appropriation of personal property had been made recently, except the larceny of a few shoats from a farmer's fattening pen; and this had been traced directly to the door of black Dave, who had owned up like a man and excused himself on the ground that he was short of meat.

Pete was about to conclude that his game had sought another range, when one clear night—it was a warm spell in March, and the moon was shining bright as day—as he and Jeneral Beauregard were wending their way homeward they both about the same moment became aware of the fact that some individual on foot was approaching from the opposite direction. Quietly dropping out into the bushes they waited for the pedestrian to pass, and as he went by at a long, steady stride the urchin was over-

joyed to recognize in the traveler the identical colored gentleman who a short while before at his mother's residence had placed such an extravagant estimate on the value of his own society. The unsuspecting footman passed on, and Pete, with Jeneral Beauregard at his heels as soon as it was prudent to do so, dropped into the road behind him, determined to follow whithersoever he went. He was evidently bound for some particular spot, which was clearly fixed in his own mind, for he walked straight on, and did not saunter like a man who is not very particular whether he gets anywhere or not. The lad and the dog had no trouble in keeping on his track, for he deviated not from the road, and did not seem to fear observation, as was evidenced by the fact that he passed close to two or three farmhouses which sat immediately upon the roadside. He walked, too, so firmly that Pete when he stopped and listened could catch the sound of his footsteps, though the latter was careful not to get so nigh that the man he was shadowing could see him if he chanced to look back. After a tramp of three or four miles Alabama Sam left the main highway and took another road that led off to the right. This was a much less frequented route, but Pete was familiar with it, for he had made tracks along nearly every highway and byway in ten miles of his mother's house. He could now hear the steps of the man in front more distinctly, for the route was getting stony, and he and Jeneral Beauregard kept on cautiously in pursuit. Presently the sound of the footsteps died out at about the point where Pete knew a little stream crossed the road. Advancing with more speed down to this stream Pete laid down, and, placing his ear close to the ground, listened for some moments. He heard no more steps on the stony road, but was surprised to hear a gentle splashing in the water above, as of some one wading up the creek. Picking his way along the bank he stopped again after going a short way, and became convinced that some object was wading upstream. It might be a cow, but if so what had gone with Alabama Sam? And if 'twas Alabama Sam, what motive could induce him to wade up the creek, when the dry land was better and speedier walking? Pete was not, like Hamlet, a youth with whom the native hue of resolution was often sicklied o'er by the pale cast of thought, but was wont to act promptly in his business concerns without much cogitation either before or after the event. He now made a short detour, with the dog close at his heels, and,

traveling more rapidly than it was possible for the man in the water to do, reached a large rock close to the mouth of the cave from which the stream issued. Behind this friendly shelter he and Jeneral Beauregard hid themselves and awaited developments. It was not long before Alabama Sam hove in sight, wading as deliberately as if he had been a kingfisher in search of a meal. The moon shone down brightly enough on the space immediately about the opening of the cavern, and Pete had no difficulty in recognizing the long black African as he took his way upstream over the slippery stones. When he reached the mouth of the cave he did not step out onto the dry sandy space within, as Pete had supposed he would, but kept on wading straight upstream. The lad crept down close to the creek, and, lying flat on the ground, watched the man he had shadowed for more than five miles. When he had disappeared in the utter darkness of the cavern Pete crossed over the stream and made his way forward along the dry bottom, on the left edge of which the little creek ran. There was no danger now of being seen, for he and the negro in front were both in total darkness. He had been the route many times and knew precisely where the cavern forked into two channels; the one, broad and easily trodden, leading far back into the interior of the hill, the other, low and narrow, and its bed entirely covered by the rushing stream. He had supposed, of course, that the man in front would here leave the water and follow the broad passage trodden by all who cared to explore the cave. No one that he knew of had ever ventured far up the narrow opening through which the swift current of water wound its way, and the general impression was that at short distance above the volume of water filled the entire channel and rendered it impassable for any creature. As the lad, trusting to the favoring darkness, pressed forward more rapidly he came near being discovered, for at the parting of the ways Alabama Sam halted and struck a match. The light illumined the cavern for some distance back, but Pete slunk into the deep shadow and watched him. He had drawn a small lantern from his bosom, which he proceeded to light, dropping the match into the water. The lad observed that he had taken off his shoes and trousers, having these tied about his neck. Pausing here only a moment to light his lamp, the negro man, to Pete's astonishment, instead of proceeding along the main passage of the cave, continued wading on up the stream, and soon disappeared behind a curve in the channel.

Pete Kinchen had in him enough of the stuff that heroes are made of to induce him in this particular emergency to sacrifice all thought of personal safety to the cause he had rashly espoused. As soon as the lantern of Alabama Sam ceased to cast its ray along his path he promptly stripped himself of every rag of clothing he had on and made ready to follow, regardless of consequences. He calculated that as the man in front expected the water would be deep enough to reach his waist it would probably come up to his (Pete's) neck, and made arrangements accordingly. Before setting out on this exceedingly hazardous venture Pete Kinchen took the precaution to grasp Jeneral Beauregard by the throat and administer to him a choking that carried much further would have extinguished life. By this seemingly unnecessary act of cruelty he admonished his friend and companion that in the further conduct of the expedition the strictest secrecy must be observed and perfect silence maintained, whatever might befall. Pete had frequently before choked his dog into silence when the latter was in the act of becoming noisy upon inappropriate occasions, and thus an understanding was readily arrived at between them that whenever it was inexpedient for the dog to use his voice this fact was to be signified to him by putting him for a while in a condition where he couldn't use it. If the choking was moderate, and of short duration, Jeneral Beauregard understood that for a brief while he was to refrain from loud demonstration. If it was severe and prolonged he was to emit no sound of any kind until Pete himself had broken silence, and thus served notice on him that the restriction was removed. In the present instance the choking was the most determined that had ever been administered and made, as the event demonstrated, a profound impression on the recipient.

Pete Kinchen having choked Jeneral Beauregard, as he thought, sufficiently, concluded by patting him gently on the head to assure him that the punishment had not been administered as a chastisement for fault committed, but by way of caution to him in the regulation of his future conduct. He then took his dog in his arms, and, without the slightest hesitation, waded up the swift creek after Alabama Sam. He was quicker of motion than the older negro, and more used to water, so that before he had waded many minutes he came in sight of the light again, or rather of the ray it threw upon the solid stone wall ahead of him. Sometimes he lost this ray, then again he found it, but he proceeded straight



upstream all the while without halting, for there was no danger of missing the way. Once or twice he got a little nearer than he wished, but the man he was pursuing never thought to look back. The wading of the lad up the stream behind him did not attract his attention, for the splashing of the water against the sides of the cavern drowned all else. On the two went, or rather the three, the man unconscious that he was being watched, Pete determined to follow him to the end of his journey, Jeneral Beauregard shivering from cold and the novelty of his position, but mindful of the injunction to remain dumb, come what would.

After many windings and turnings the light in front came to a stand, and Pete, peering cautiously forward, saw Alabama Sam sitting upon what he knew must be dry ground, drawing on his trousers. The lantern was deposited by his side, and, noting the surroundings closely, the lad discovered that here was another dry passage, while the channel through which the stream flowed led off in a different direction. The negro man now put on his shoes and took the time to tie them. Then he stood up, and, drawing a bottle from his pocket, held it to his lips long enough to swallow a considerable part of its contents. Having thus refreshed himself he deliberately corked the bottle and replaced it in his side pocket. All this while Pete Kinchen viewed him with a critic's eye, and Jeneral Beauregard was an interested observer of his movements. They both regarded him narrowly while he remained by the water's edge, and Pete moved promptly forward as soon as Alabama Sam picked up his lantern and started away. The light was sparkling some distance ahead when the lad reached the water's edge and released Jeneral Beauregard, who could not refrain from cutting a gladsome but noiseless caper when he found himself once more on dry land. Guided by the friendly light Pete followed with but little difficulty, and was as close upon it as he dared to go when it suddenly disappeared from the passage. But though the lantern itself was lost to view the passage still remained dimly lighted, showing it was not far away. Observing now great caution the lad crept forward and had advanced but a little way when he heard the sound of human voices. He paused and listened, and then crept on again on his hands and knees. —He could tell plainly now that the voices came from a side room, or niche, near the main passage. A dim light also struggled from this inner recess and partially dispelled the darkness of the passage without. Creeping nearer and nearer, and

very slowly, the lad reached a point at last from which he could spy into the rough apartment from which the voices came. Here sat two individuals—Alabama Sam and de little ole white man—by a slow wood fire, which had almost died down to coals.

When Pete Kinchen saw them sitting comfortably by the fire he suddenly became aware of the fact that he himself was shivering violently, and, rising in his place, he quietly moved his arms rapidly over his head and twisted his body into all sorts of unnatural positions, thus forcing his blood into brisk circulation and working himself into something like a glow. He was hardy as a pine knot and the interior of the cavern was less trying upon him than the open air without would, at that season of the year, have been. After having administered to himself a sharp lesson in gymnastics the lad crouched near the entrance way into the recess and sought to catch the drift of the conversation between the two men. They spoke in low tones, and yet were not particularly guarded in their utterances, since neither dreamed that an interloper was near at hand.

“Wal,” said the negro, “I ain’t in much fix for takin’ de road ag’in, but if dis here thing’s to be did at all it’s got to be did to-morrow night. Dat man’s a comin’ home on de train to-morrow evenin’. He’ll ride by his lone self from de deppo, along de ridge road, to de place whar he lives. Dat much I done found out, and dat much kin be depended on. If we don’t git him on dat ride we’d better clean out from dis country and let him alone for good and all. For my part, I don’t hanker arter dis job no how, and I’d a heap ruther throw it up right here, and now, than to go further with it.”

“Lizden at dot,” replied the little ole white man. “I didn’t know you vos pigeon-livered, Zammy.”

“I don’t like dis job,” replied the negro. “Dat’s what I said, and I sticks to it.”

“Vell vell,” said the little old white man, shaking his head, “vill vonders neffer cease? Mine frient Kervackenparse show de vite fedder? No, no. Tis is some otter person I zee pefore me, and not mine frient Zam. Mine frient Zam Kervackenparse iss a prave man and no coward.”

“Who said I was a coward?” inquired the negro in a blustering way.

“No von, no von, Zam,” replied the old man. “Vooeffers sess tat iss a liar, and de trute iss not in him.”

"You stick to dat," said Sam, "and you won't miss it fur. Dar's plenty of jobs a man don't hanker arter, and yit if he's passed his word he'll go through wid 'em or die. Leastwise he will if he's de right kind of a man."

"Ah, tat iss Zam Kervackenparse talkin'," replied the old man earnestly. "Tat iss mine frient Zam." He drew a long black bottle from the heap of straw near him and held it high in his hand. "I trink to mine frient Zam," he exclaimed. "Vooeffer puts der troost in him vill not pe dizzerpointed."

The old man here took a swig at the bottle and passed it to the negro, who, though he had just imbibed, took another long swallow.

"Git my gun ready," said the negro, seemingly emboldened by his liquor. "If this thing's got to be did I must be off to-night."

"Vot!" exclaimed the old gentleman. "Not to-night, Zam?"

"I done told you," replied Alabama Sam, "dat dis here man Pearson is a comin' home ter-morrow night widout any fail. He's done writ a letter back tellin' 'em to send his hoss to de deppo, and ter-morrow mornin' a boy is gwy take his hoss to de deppo and leave him dar. De boy will come straight back in de day time, and ter-morrow night Ran Pearson will ride home by hisself in de night time. Dat is, he will ride part of de way home. Whedder he'll make de whole trip is anodder question."

The old man here clapped himself on the thigh and laughed softly. "Tat iss Zam Kervackenparse talkin'," he exclaimed. "Tat iss mine frient Zam."

"Now," said the negro, "if dis thing's to be did dar ain't but one way to do it, and dat's de right way. Ran Pearson, I done told you, will ride de ridge road, and de lonesomest part of dat road is de long hollow about five mile from de deppo. Dar is a great big sycamore tree standin' close to de road, and a man behind dat tree kin git a good range on anodder man ridin' down de road to'ds him. Right dar is de place to fix him, if it's de plan to fix him at all."

"Don't say if, Zammy," replied the old gentleman. "Leaf off dat 'if,' mine frient."

"Well, den, dar's de place to fix him," said the negro. "And if I'm de man what's got to do de fixin', I'd oughter be at de place by daylight ter-morrow mornin'. I'd oughter travel to de place in de night time, and not in de day time, and I'd oughter hide dar

in de bushes all day, so as to be rested by de time dis here Ran Pearson comes along. When he rides up to dat sycamore tree I want to be fresh and at my best. And when I've sent a ball through his head and made sho he's dead as a mackerel, I want to skip out from dar and run like hell. Dat's me."

"Dat iss mine frient Zam Kervackenparse talkin'," replied the old man. "Vooeffer calls mine frient a coward iss a liar, and de trute iss not in him."

"Dey won't s'picion me," continued the negro, "if nobody sees me gwine to'ds de place and nobody sees me comin' away."

"Dot iss ver' true," replied the old gentleman.

"Dey'll say, too," continued the negro, "dat I didn't have no motive for killin' Ran Pearson, and, sence I come to stedly 'bout it, damn me if I have got any motive for killin' him."

"Zam," said the old gentleman seductively, "dot iss de ver' reason vy you should kill him. If I'm took up for murter te tamn lawyers vill say, 'He haff a motiff;' and dey vill hang me. If you pe took up dey vill zay, 'He haff no motiff;' and zo you vill go free as te 'appy pird. Dot pein zo, mine frient, you must do de killin', and I must make retty to prufe a hallerpy. Let effry man tend to his own part uff de piziness."

"All right, boss," replied the negro. "I ain't never flickered yit when I was called on to do my part of a ugly job, and I ain't apt to flicker dis time. I must be fifteen miles away from here by daylight, and dat means I got to walk all night. I've walked already good ten miles to-day, and my legs will be tired when I gets to dat sycamore tree on de ridge road. I kin give 'em a long rest though ter-morrow. Dar's some comfort in dat."

"Mine frient Kervackenparse," said the old gentleman, rising and bowing respectfully, "I haff to zay dot I admires you ver' much. I do, s'help me. Your sgin iss plack, Zam, but your 'art iss in de right blace."

After extending this neat compliment the old gentleman walked round the fire and shook hands cordially with his friend. The two now made hurried preparations for the departure of the negro, who rejected all invitations to stay longer in the cavern, saying he would rest from time to time on the wayside as he journeyed that night. After the assassination of Pearson he and the old gentleman would meet at a designated spot beyond the borders of the State, to which point the negro was to hurry, tramping likewise all of the following night.

"Zam," said the old gentleman by way of parting injunction when the negro was ready to start, "pevare uff te pottle. Trink iss coot to cheer te zoul, but dere iss times, mine frient, ven de head needs to be gool more tan de zoul needs to be cheered. Keep gool, Zammy; keep gool, mine frient!"

Seeing they were about to depart Pete and his dog stole back along the passway toward the stream. They kept ahead of the light as the two men emerged into the passage, and at one of the many broken places in the cavern wall the boy crouched low for the negro and the old man to pass. They went by engaged in talk, the lantern throwing its rays straight ahead. When they reached the water's edge the negro again disrobed himself to the extent of taking off his shoes and trousers, tying these around his neck as before. He then took the lantern in his hand and bade the old man good-by.

"Zam," said the old gentleman as he wrung the negro's hand affectionately—"Kervackenparse, mine frient, vateffer iss vurt doing at all iss vurt doing vell. Make no miztake, mine frient, make no miztake. Vix him zo de shudge vill uxcuse him for not pein at te court next time. Vix him zo he vill not meddle mit otter people's pizness neffer agin, Zammy, in dis world."

"You 'pend on me, boss," replied the negro. With this parting assurance he stepped into the swift stream and began his slippery walk down the current. The old man watched him till the glimmer of the lantern no more lit the thick darkness of the cavern. After the light had entirely disappeared he sat down by the water's edge and communed with himself a while before returning to his more cheerful quarters by the fire.

"Ah me, tis vorld iss full of throoble and onpleasantness. I vish dat peoble in dis vorld vould mind dere own pizness and not meddle. I do, s'help me. Dere vent away shust now mine colored prudder and mine own throe frient. Vot for mine colored prudder and mine own throe frient go out and tramp de lonesome road dis night? It iss pecause de tamn man, Perryerson, vill not mind his own pizness. He vill meddle, meddle, meddle; and dat vy mine frient Kervackenparse must tramp de lonesome road dis night and do de shob he haff promise. Meppe dis night vork vill git mine frient Kervackenparse into throoble. Meppe so, meppe so. If zo I vill stand py mine frient Kervackenparse like a prudder and a shentleman. I vill, s'help me. I vill stand py mine frient Kervackenparse till hell freeze ofer. I vill, I vill. If dey gits him in

de shail I vill hire me a lawyer for him if it cost pig money. I vill hire me a coot lawyer vot vill speak de law plain to de shudge and de tamn shury, and tell dem trutes vot dey should mind. If so pe de tamn man, Perryerson, as he coom along raise his arm to switch his 'orse, dot vill pe sel-luff devense for Zam. If he shake his head, tviddle his fingers, make any common motion, dot vill pe sel-luff devense, for nobody can tell, mind you, vot he haff a notion to do next. Dot iss de p'int. It iss not so much vat a man do, mind you, dot make sel-luff devense, but vat he may haff a notion to do next. And if zo pe te tamn man, Perryerson, do not'ing at all; if he coom along vast asleep, and Zam shoot him dead, dot vill pe inzanity, for dere vill pe, mind you, no motiff dat peoble can zee, and de absence of motiff go alvays to show inzanity. Dis vot de coot lawyer vill say to de shudge and te tamn shury, and if dey do not lizden to him de coot lawyer vill not mind, for dere vill still pe leff de plessed hallipi and de onreasonable doubt. So valk on, valk on, mine frient Kervackenparse; valk on, mine colored prudder, and do de shob vot you promise, and haff no fear. I vill act like de shentleman if throoble coom, and hire me a coot lawyer for you, and stand py you, mine frient Kervackenparse till hell freeze ofer. I vill, I vill."

The old man's voice here died away, and for some moments longer he sat in silence by the water's edge. Then he resumed his soliloquy in a less confident tone:

"But vot for I zay vot I say? If mine frient Kervackenparse do de shob vot he promise, and dey gits him, he vill neffer zee de shail. He vill haff no need for de coot lawyer vot I hire; for de tamn mob vill hang him so kevick as hell would scorch a fedder. Mine Cot, mine Cot, but dis iss a heathen coonthry. Valk on, valk on, mine frient Kervackenparse; valk on, mine colored prudder; but if dey gits you you vill pe in von hell of a vix. Ah me, I vish dot effry man in dis vorld would mind his own pizness. I do, s'help me. But dey vill not, and dat vy my frient Kervackenparse must valk de lonely road dis night, and do de shob vot he haff promise, and take de conze-ke-venes. Coot-py, mine colored prudder; if de tamn mob hang you up like a dog I vill not forgit you. Coot-py, coot-py, mine own throe frient; your sgin iss plack, but your 'art iss in de right blace."

## CHAPTER XXXII.

TERRIFIC COMBAT IN THE CAVERN BETWIXT PETE KINCHEN, JINERAL BEAUREGARD, AND DE LITTLE OLE WHITE MAN.

FROM his post against the cavern wall Pete Kinchen had watched with interest the proceedings by the water side, and heard every word uttered either by the two before parting or by de little ole white man in the melancholy soliloquy set forth in the last chapter. When the light had entirely disappeared he rose, tired of his crouching position, and stood close against the wall, with his dog at his heels. There was no danger now of observation, and as soon as de little ole white man had returned to his dram bottle and his fire Pete would follow Alabama Sam down the creek, and, after resuming his raiment, would proceed without delay to give Miss Sue Bascombe the benefit of the highly important information that had come into his possession. He shot his arms out in the darkness again and gave himself another lesson in gymnastics as he stood waiting the time when the coast would be clear, and he might set forth, with his dog in his arms, on his wet, winding, and slippery journey to the outer world.

Some time in the pitch dark de little ole man sat by the water's edge, soliloquizing occasionally, revolving deep problems in his mind, warmed up, no doubt, occasionally by the liquor that had gone down his throat. Finally, in pensive mood, he rose and set forth on his return to his quarters, being minded when he got there to take one more stout drink for a nightcap and then to tumble into bed. He knew the route perfectly, but as he went thrust his hand out at every few steps to touch the wall on his right, and thereby avoid butting his head against some rough projections that he remembered to be on the left side. It came to pass after he had thus steered his course a short distance, that as his right hand went forth on one of these errands he laid it in a friendly way on the body of Pete Kinchen, who was standing close against the wall with not the slightest idea that such a misadventure was about to befall him.

When Robinson Crusoe came unexpectedly upon a human footprint in the sand on his desert island he was appalled, and rashly concluded that the devil had put it there. Crusoe made his amazing discovery, be it remembered, in the broad open day time, and had leisure to stand round and moralize on the singular spectacle that had arrested his attention. What was his experience compared with that of our worthy old friend, who groping his way toward his lonely couch suddenly encountered in the thick darkness and dead stillness of a cavern some cold, slick, quivering object concerning which he could feel assured at the time of nothing more than that it was alive. Did any of you, my friends, in the ups and downs of life ever meet with just such an adventure as that? I dare say not, and if not you can no more imagine the old gentleman's sensations at the moment than I can describe them, which I shall not be rash enough to undertake to do.

As for cogitation on the subject of his discovery there was time for none, for as the old gentleman laid his open hand unwittingly on the cold, slick something his fingers unconsciously clutched in the effort to grasp it, and on the instant Pete shot out his right fist with such vigor as to cause de little ole white man, though a half-mile under ground, to see stars.

All alone, and in pitch darkness, the old gentleman, if strictly sober, would most probably have turned and fled from his unknown adversary. But he was, as the reader knows, a little the worse, or rather, a little the better, for liquor, and his courage, therefore, considerably outran his discretion. I do not mean he was drunk, for the old gentleman was not drunk, but simply that he had been elevated into that frame of mind which makes a man do and dare lofty things. Whatever our prohibition friends may say to the contrary, I maintain, with St. Paul, that good liquor, taken in moderation, is excellent for the stomach, and likewise worketh well upon other parts of the system, making a man oftentimes bold at a moment when it is incumbent upon him to display valor. This was exactly the case on the present occasion with the old gentleman, and, finding himself assaulted without provocation, he struck out blindly in the dark on his own account and tried to give the party of the second part—whoever or whatever it might be—a Roland for an Oliver. Thereupon the two clinched, and tussled, and shuffled, and strove mightily, up and down, and sideways, and every way, in the terrific blackness of the cavern. Now it would have seemed to the casual observer—if a casual ob-



server had been possible—that Pete was getting the better of the exciting contest, and now it would have seemed that de little ole white man was slightly in the lead; but they fought and fought with varying success and unabated vigor, and, of course, without the slightest encouragement from outside source to brace up either one or the other.

In penning the last paragraph I wrote without reflection. Jineral Beauregard when hostilities began was crouching betwixt Pete's legs, shivering violently, and turning over in his mind such matters as presumably would occupy the mind of a dog in his peculiar situation. As soon as he became aware that a fight was in progress—and it took him not more than an instant to grasp this fact—he mixed up in it with the full intent to aid his friend as much as he could and do the enemy all the damage possible. In furtherance of this laudable purpose he sidled round and round the combatants, avoiding Pete's lower extremities, and making snatches at de little ole white man's legs as often as he could with safety seize upon one of these. At first he made naturally a few mistakes, and more than once got a taste of Pete's meat when it had been his design to forage upon the enemy. After a brief experience, however, he was enabled, either by the help of instinct or reason, to avoid such awkward mistakes altogether. His nose no doubt was cunning enough to detect the flavor of Pete's legs, and to restrain his mouth as soon as he concluded to subject the latter to the guidance of the former. Moreover, his friend's legs were bare, while those of the enemy were clothed in the usual habilaments of the masculine human. The combat, therefore, had hardly passed its incipient stage before Jineral Beauregard knew as well when and where to use his jaws as if some one had been standing by with a candle to enable him to act with discretion in the matter. Fortunately for de little ole white man he wore next to his person a thick buckskin undersuit, which he had adopted as a protection against the raw atmosphere of the cavern, and which now served him as a safeguard against the vengeance of Jineral Beauregard's teeth. That heroic animal waged incessant war upon the lower extremities of his antagonist, who was so busily engaged otherwise that he could take no other notice of the dog's repeated assaults than now and then to give a vigorous kick at him in the dark. Finally discovering that his bite was not doing as much damage as he contemplated the four-footed combatant rushed in upon the biped he wished to embarrass, and, fixing his teeth firmly in the

woolen and buckskin leggings of the latter, held on thereto like grim death. Jeneral Beauregard was a dog of great firmness and singleness of purpose, and when he fixed his mind on a thing directed all his ideas and energies in that direction to the complete oblivion of everything else. So having firm hold now on the lower habiliments of de little ole white man, he shut his eyes tight—though he could not have seen a wink if they had been wide open—clined his jaws with a lasting grip, and made ready to stay by his antagonist to the end of the combat, and not to turn loose then until he was choked off. He tugged and tugged, swung round and round with the struggling bipeds, and seemingly had no more idea of losing his hold than if his mouth had been a patent time lock that would only come open at a certain fixed hour in the future, no matter what effort might be made to unkey it sooner.

At this stage of the engagement I would call the reader's attention to an important fact which gave no small advantage to Pete and Jeneral Beauregard, and militated greatly against de little ole white man in the combat.

Pete Kinchen knew precisely who it was that was engaging his attention at the moment; beyond all question Jeneral Beauregard understood it was human legs he was operating upon; but de little ole white man had not the slightest inkling as to the nature and fashion of the creatures that had so unexpectedly beset him deep down in the bowels of the earth. There were two or three circumstances which, as the reader must agree, were calculated to add to his perplexity and raise in his mind a reasonable doubt as to whether his foemen, either or both, were of the human species, or, indeed, were creatures of this earth at all.

Imprimis, not the slightest sound had been emitted by any of the participants in this curious combat. De little ole white man himself refrained from giving voice to his distress because he knew he had no friend in the cavern, and to cry aloud might bring down on him legions of other creatures similar to those he was now contending with. Pete Kinchen persistently held his tongue because he appreciated the advantage he was reaping by keeping de little ole white man completely in the dark as to who and what his antagonist was, and because he feared if he spoke his opponent would recognize the voice of a child and be emboldened thereby. Jeneral Beauregard maintained profound silence for the sufficient reason that he had been given to understand—by the choking process heretofore mentioned—that he must be literally a dumb brute un-

til his commanding officer had given notice that his vocal organs might once more be brought into play. So they all went round and round, doing such mischief as they could, but raising no other noise in the cavern than that of a light scraping upon the loose sand of the floor. Presently the fact that this most astounding battle was being waged altogether in silence became deeply impressed upon the mind of de little ole white man, and it awed him.

Another circumstance which added to the perplexity of the hard-pressed tenant of the cavern—who felt he had rights there, if anybody had rights—was the singular method of waging war adopted by the two creatures who were leagued against him. The creature at his heels he might have taken for some kind of a varmint, but what varmint was it that, emitting no cry, would attach itself to a man's raiment, and seem content to live and die in that position? De little ole white man was not a backwoodsman, but he had never seen such a varmint, and did not remember ever to have heard or read of such a one. But again, what awful, slick, cold, slippery thing was this that now he held in his arms, and now he didn't, and that fought as never human creature fought on this planet since time began?

I would have the reader bear in mind in this connection that Pete Kinchen, while conducting this engagement, was—as we Latin scholars would say—in *puris naturalibus*, which signifies, being interpreted, in his birthday suit; or, to put it even more pointedly, stark naked. His method of fighting was not uncommon among the negro boys with whom he usually consorted, but it was brand new to the old gentleman with whom he was now struggling for the mastery. De little ole white man was tough, and, while undersized, was strong and active for one of his years. He had been in his time somewhat of a scrapper, and thoroughly understood the Queensbury rules and all the other rules that govern gentlemen who have been trained in the noble and manly art of fisticuffing. He could box with the best, would not sully his reputation by striking his antagonist below the belt, and in wrestling could give the man in his arms such a squeeze that it would crack his bones. All these achievements were easy to de little ole white man, and consequently when drawn into a personal encounter he usually began in confidence and concluded in triumph. But what of this unmannerly creature that never had heard tell of the Queensbury rules, or if familiar with them considered himself

for some reason at liberty to disregard them all? What kind of a thing was that that bit, scratched, butted, pounded, tripped, and all the while skipped about with such marvelous agility that violent hands could not be laid on him at all? What kind of a thing was it that did all this while emitting no sound, and that was likewise soft, cold, slippery, and smooth upon the surface? It was not shaggy. It was not a wild beast. It was not a sea lion escaped from a menagerie. It could not be a snake skipping about in this mad fashion. "Py Apraham und te prophets, vot is it?" exclaimed the mystified old gentleman to himself, but, mind you, altogeth'er to himself, for he spake no word above his breath.

I remarked a few sentences back that good liquor taken in gentlemanly doses had a tendency to elevate the soul and infuse manly courage into the human breast. I have been likewise informed by those who claim to speak from experience that it will make the best man in the world a little unsteady upon his pins. However proudly he may carry himself, and howsoever confident he may be of his ability to achieve wonders, there is always danger that he will find at the critical moment his lower limbs not readily responsive to his will, so that it behooves him at all times to bear in mind the scriptural injunction, "Let him that standeth beware lest he fall." Now our worthy friend—known to the Kinchen family as "de little ole white man"—had been considerably emboldened by the strong waters that had gone into his stomach, and had thus been induced to do battle manfully against unknown creatures in the dark, but he did not possess perhaps quite that agility which he might have displayed if his head and heart had both remained entirely cool. He fought with more vigor, but without that discretion he would otherwise have exercised when contending against shifty foemen. It therefore came to pass that when at a certain stage of the combat Pete Kinchen with his heel knocked one of his feet forward, and Jeneral Beauregard at the same moment by hard tugging pulled the other backward, the old gentleman was thrown from his balance and fell, considerably to his own surprise, flat of his back upon the ground. No sooner had he sustained this serious reverse than Pete Kinchen boarded him and began feeling for his neck with the evident intention of throttling him, and at the same instant Jeneral Beauregard released the hold he had so long maintained upon his trousers leg and sprang upon him as if he had been a coon just dropped to earth from the limb of a tree. If these two zealous coadjutors counted, however on making a

finish of their prostrate enemy there and then, they reckoned without their host. De little ole white man was wiry and muscular, and had no notion of ending his existence ingloriously in the black depths of a cavern, and at the instance of two such foes as he found himself pitted against. Hardly had he measured his length upon the ground and felt Pete's clutch about his windpipe, before, with vigorous effort of both arms and legs, he hurled into outer darkness the creatures that had been atop of him, and, springing nimbly to his feet, ran swiftly toward his private apartment not very far off in the cavern.

No sooner had de little ole white man deserted the field and turned his back ingloriously upon the enemy, than was demonstrated in those who had made a combined assault upon him the difference between instinct and reason. Peter Kinchen, being mentally able to weigh facts and draw conclusions, did not believe that de little ole white man was fleeing in terror, but rather that his purpose in retiring so speedily was to arm himself and renew the combat with deadly weapons. He therefore, as soon as the old gentleman set out, took to his own heels in the opposite direction and endeavored to widen the distance between them as rapidly as possible. Jineral Beauregard, however, being incapable of balancing probabilities in his narrower mind, followed blind instinct and gave chase as soon as he found the object of his fury was endeavoring to escape.

Pete Kinchen did not rush forward with reckless speed, but, keeping his left hand always in touch with that side of the cavern, he made all the haste possible, and did not even slacken his gait when his feet and bare legs became submerged in the swift current of the stream. He went on—plunging down the current in the darkness—and had turned the first decided curve when he heard the sharp report of a pistol ringing through all the narrow corridors of the cavern. Almost at the same moment Pete Kinchen heard another sound that brought him to a halt at once and caused his heart to give a great leap in his bosom. It was the agonized cry of a dog, and that dog he knew was Jineral Beauregard.

Promptly the lad turned back and waded upstream again until he reached the sandy bottom of the dry passage. Here he waited a long time, but not the slightest sound of any kind fell on his ear. Once or twice he whistled very softly to notify the little dog he was in waiting, but his faithful companion did not respond. Then the truth forced itself home on the mind of the child, and he bowed

his head and wept bitterly, but in silence. His dog was dead. The trusty little fellow, he knew, would not have uttered a sound had not the cruel bullet forced a cry of anguish from him; and even then had life been spared he would have crawled down the dark passage to the water's edge, to join there the companion whose kindly signal had summoned him. His dog was dead. The comrade of many a tramp through field and wood, his closest friend and playmate, he would see no more.

Turning his steps again downstream the boy, with choking sobs and scarcely conscious of whither he was going, took his way through the winding channel and reached the spot where he had left his clothing. Hastily he resumed his two or three garments and passed onward to the mouth of the cave and thence down the declivity to the road that ran beyond. As he went his grief overmastered him, and, unable to restrain himself, he quickened his pace and ran, sobbing and crying aloud, a long way. Then he halted and sat down by the root of a large tree, where he and the dog had rested more than once before. Against this he leaned his head, having no heart to rise and go further. His burst of grief was over, but broken sobs again and again escaped him as he reclined his head against the rough bark of the tree and bent his heavy eyes aimlessly into the shadows of the night.

In one of the most pathetic passages of holy writ we are told that when the Saviour of mankind sought a few of his companions at the darkest period of their cheerless lives He found them sleeping for sorrow. It is a blessed provision of our frail nature that whenever in the hour of some great trouble keen misery holds and racks us beyond the power of human endurance, our overwrought faculties at last find relief in slumber. Out in the lonely wood, stretched now upon the bare, cold earth, and wrestling with his grief, the negro boy fell asleep. In his troubled dreams a sense of misery haunted him for a long while, and from time to time a broken sob escaped him as he lay. Then deep slumber banished even this lingering phantom of the mind, and with all his senses locked fast from the outer world, sunk in complete unconsciousness, he slept a blissful sleep.

## CHAPTER XXXIII.

WHICH TELLS HOW A YOUNG LADY TOOK A HORSEBACK RIDE AND  
MADE A MURDEROUS ASSAULT ON A POOR OLD BEGGAR.

THE sun was shining high in the heavens when the lad awoke next morning. As he opened his eyes and looked about him the first sharp recollection was of the great loss he had sustained; the second was of the plan he had heard unfolded in the cavern to murder Randolph Pearson on that very night. The man against whom the conspiracy had been formed was in St. Louis, and was to be assassinated that night on his ride homeward from the depot at the foot of the ridge. Miss Sue Bascombe must be notified, and that without a moment's delay, for there was barely time now to send a messenger to the depot in time to warn Pearson of his danger.

The boy sprang to his feet, and, without stopping anywhere upon the road to get a morsel to stay his hunger, made all possible speed toward the farmhouse where he expected to find the young lady who was to be intrusted with his startling communication. When he reached the place it was past noon, and the child, worn with grief and excitement, and faint from hunger and long travel, was almost exhausted. Sue Bascombe would not permit him to talk until he had taken some nourishment, and then she examined and cross-examined him on his remarkable experience the night before in the cavern. He told a plain unvarnished tale that carried conviction with it, and the girl lost not a moment in considering what should be done in the emergency that confronted her. She ordered her horse, Dandy Jim, to be saddled at once and brought round to the gate. While this order was being obeyed she donned her riding-skirt and hat and wrote a short note to Teddy McIntosh, asking him to join her without delay at Baker's Station, near the foot of the ridge. These preliminaries hurriedly dispensed with she took her seat in the saddle and turned her horse's head toward Baker's depot. The afternoon was now considerably advanced, and the place she wished to reach was fifteen miles away.

The girl rode rapidly, knowing that night would certainly overtake her before she reached her destination and wishing to cover as much of the distance by daylight as possible. There was time enough to catch the train, for it was not due at the depot until after seven o'clock, nearly four hours from the time at which she left home. One circumstance, however, delayed her and caused her considerable apprehension before she completed her journey. She knew the main route well, for she had traveled it often, but now she was compelled to leave this road and travel a more circuitous one, to avoid passing the spot where she knew the negro was lying in wait to murder Pearson. At first her determination was to ride boldly by this place, trusting that the assassin, having no motive for disturbing her, would suffer her to pass unmolested. She carried in her bosom the trusty little Smith & Wesson pistol which Lawyer Slowboy had returned to her after his exciting experience with the hobgoblins, and thus felt able to defend herself even in case she was halted on the way by any one with evil intent. As she galloped, however, in the fast declining day along the first half of her route she reflected that the negro would almost certainly recognize her as she passed his place of hiding and would divine her motive in traveling alone to the depot at that particular time. He might undertake to stop her bodily, or, still more probable, he might shoot her from his place of concealment, and thus frustrate her purpose to notify Pearson. She, therefore, turned aside before she reached this spot and took a less frequented route, which she had never traveled before. Night was now approaching, the evening was cloudy, and she was compelled to stop at several farmhouses by the roadside to inquire the way. Her purpose had been simply to make a circuit around the spot where the negro lay concealed and get back into the main highway again after going a short distance, but this, in consequence of intervening woods and fences, she could not do. She pursued her way through narrow lanes, stopping often to make inquiries, and losing, as she knew, valuable time in doing so. She thought seriously at this stage of her journey of taking some of the white people along the road into her confidence and having the negro arrested before he could carry out his purpose, but this plan she soon dismissed as not feasible. She was among strangers, and while she wasted time in the effort to have the assassin apprehended Pearson might leave the depot and reach the spot chosen for his murder. The best plan was to intercept and warn him, and then to



take steps for the arrest not only of the negro who was lying in wait, but of the villainous old white man who was the guiltier of the two conspirators. So concluding she urged her horse onward, made her inquiries as few as possible and always to the point, and anxiously bent her efforts toward reaching Baker Station before the arrival of the down train. Fortunately as she blundered along in an unknown section of country she encountered an old negro in the road, and for the remuneration of twenty-five cents induced him to pilot her back into the main highway which she had left. This he did by the expeditious method of taking down fences, crossing new plowed fields, and conducting her through thick woods where she had to lie almost flat to keep from being swept from the saddle. It was best in the end, however, for when she had thus forged ahead slowly for the better part of an hour she was once more in the road she had left, and could hasten on to the end of her journey.

"I ain't gwy ax you what business you got out at dis time o' night by yourself," said the old man as he took the quarter, "but I'm gwy say de rule in dese parts is for de gentleman to do de ridin' and de lady to set up in de parlor and wait for him. Ef you're runnin' away to git married—which I knows you is—you must have a mighty pokey young man for a beau, or he'd a gone after you and tuck you to de squire's house. Dat's de way for a young gentleman to act, mistiss, and you mustn't git mad at my tellin' you so."

Sue Bascombe was a queer girl. She neither laughed at nor resented the old negro's well-meant advice. "Uncle," she replied quietly, as she fixed her skirts for a rapid gallop, "I say to you in confidence that I think you're exactly right about this matter. The man I'm hunting is a little pokey, but I'm going after him all the same. In these times a girl must do the best she can, you know." Whereupon she gave Dandy Jim a keen cut with the whip and left her guide without another word.

"Dat's a cur'ous gal as ever I seed," remarked the old negro to himself as the damsel ran away from him at almost break-neck speed.

As she hurried onward she wondered if Teddy McIntosh was not ahead of her. If he got her message promptly he would lose no time in setting forward upon her track, and perhaps by this time had already reached the depot. If so he would wonder why she was not there. Thinking of Teddy reminded her that he had doubt-

less passed the place where the negro lay concealed, or would have to pass it if he was still in the rear. Would any effort be made to assassinate him? She thought not, for Pearson seemed to be the special object of hatred on the part of the old white man who had prompted the negro to murder. If the negro should kill somebody else and not Pearson, he would defeat the purpose his principal had in view. At any rate, she had not the right to warn McIntosh against passing the spot; could not well have done so in a note without going into explanations that could not be intrusted to paper. Teddy, she persuaded herself, would get through all right. She would either find him at the station house or he would get there soon after she reached the place. She had no watch, but she knew it was now about train time. She was near enough to the station, however, to have heard the whistle if the locomotive had stopped there, and the sound had not yet reached her ear. She had not heard the engine whistle for the top of the ridge, and she knew some minutes must elapse after it started on the down grade before it reached Baker Station below. She hurried on, therefore, confident that she was not too late, but feeling the importance of wasting not a moment's time, and presently as she reached the summit of a hill was cheered by the twinkle of a light at the station.

She set forth down the declivity at a brisk canter. The timber had been cleared away near the summit, and she could see fairly well down the road ahead of her. When Dandy Jim had galloped a short way he suddenly shied, and the girl saw a man standing on the side of the road. He was undersized and held a long cane or walking stick in his hand. This figure now advanced slowly into the center of the highway, and, grasping his long stick in his left hand, held the right out in a supplicating manner.

"'Elp te poor plind man," said the beggar in a whining tone.

"'Elp te plind man, for te luff uff Cot."

"I have nothing for you," replied the girl. "Stand aside and let me pass."

The beggar kept his place in the center of the highway and still held out his hand. "'Elp te plind man," he cried piteously. "'Elp te plind man, laty."

"How do you know it's a lady before you?" asked Sue Bascombe, for she greatly distrusted the whining beggar.

"Ah, mine Cot, te sweet voice; te sweet voice."

Sue Bascombe tightened the bridle rein in her hand and drew her horse back a few steps. She eyed the supplicating figure

as best she could in the misty light. His head was bent low; he seemed to grope his way as he proceeded, but he advanced now slowly toward her with his right hand extended.

"'Elp, for te luff uff Cot. 'Elp, for te luff uff Cot," cried the blind man piteously, as he tottered toward her.

She gave the rein a sudden jerk, and the horse backed a few steps up the hill. The blind man still advanced, groping his way.

"'Elp, for te luff uff Cot. 'Elp, for te luff uff Cot," he cried more beseechingly.

"Stand back," said the girl firmly. "Stand back, I tell you."

"'Elp te plind man, laty. 'Elp te plind man, laty."

"Stand back, I tell you."

She reined her horse back a second time, and he followed her more rapidly. His right hand was still extended. Was it to solicit alms or was it to seize her bridle rein?

"'Elp te plind man."

"Stand back."

"'Elp te plind——"

The girl drew a pistol from her bosom, pointed it toward him and without a moment's hesitation pulled the trigger. There was a flash, a loud report, and the beggar dropped his stick and fell to the earth. He was not killed, however, for he immediately tried to rise again, and made, as Sue Bascombe thought, a suspicious movement with his right hand toward his hip pocket.

"Let that pistol alone," said the girl calmly. "If you try to draw it here I'll finish you."

"Ah, mine Cot, mine Cot," cried the beggar extending himself upon the ground. "Vot a country, vot a beoples."

Fortunately at this stage of the game Sue Bascombe heard the sound of a horse's feet on the road behind her. She held her weapon on the prostrate man and waited for the rider to approach. She hoped it would prove to be Teddy McIntosh hastening to join her at the station, and when the horseman drew near she found it was Teddy.

"What's up?" inquired that impetuous youth, who had heard the pistol shot, and now found the young lady halted upon the highway.

"I'm afraid I've done something desperate, Teddy," replied Miss Bascombe.

"What's that?"

"I believe I've killed a man."

"Who is he?"

"I don't know. He pretends to be a beggar and maybe he is."

"What did he do?"

"He kept coming toward me. I ordered him to halt, and he didn't."

The blind man lay in the road and groaned dismally.

"He ain't dead," said Teddy McIntosh. "You say you don't know him?"

"I do not," replied the girl. "Never met him before."

"He didn't know you either," said Teddy, "or he would have stopped when you told him." After which significant remark he dismounted, gave his bridle rein to the young lady and went to examine the prostrate man.

The beggar lay in the road, drawing his breath painfully, and occasionally heaving a deep groan.

"Who are you?" inquired McIntosh, stooping down and peering into his face.

"A plind man," said the other in piteous tones. "Plind and lame; plind and lame, mine frient. Te laty haff shot a plind man. Mine Cot, a poor plind man."

"Look for his pistol, Teddy," interjected Miss Bascombe. "I believe he has one."

Teddy McIntosh examined, and sure enough found a pistol in the hip pocket of the beggar. "What are you doing with this?" he inquired rather sternly of the wounded man.

"Ah, mine Cot, effry dog parks at te lame peggar; te plind lame peggar."

"Take it away from him, Teddy," commanded the young lady, and Teddy put the weapon in his own pocket.

The wounded man breathed now with much more difficulty, and apparently was sinking fast. "Hold me up, mine frient," he said to McIntosh beseechingly. "For Cot's sake, raise me up a leetle vile."

McIntosh complied with the request, lifting the wounded man's head and shoulders from the ground.

"I veel a leetle petter," said the blind man faintly. "Vot ish dis? Voo ish dis apout me? Is tis mine prudder Shacob?"

"I am a stranger," replied Teddy McIntosh, "but I will take care of you the best I can. I am sorry the accident occurred."

"'Tis pity, 'tis pity," said the blind man. "But, mine frient,

vot for I zay 'tis pity. For te rich and broud to pass away 'tis pity; but for te poor plind man to leafe tis vicked world 'tis no pity. I vill now leafe you, mine frients, and I leafe mine plessing behint me. Te plind, lame peggar vill peg no more in tis vicked world. Coot py, effrypody."

"I believe the old man's going sure enough," said McIntosh. "I can hardly hold him up."

"Lay him down as easily as you can," replied Sue Bascombe, who was evidently deeply moved by the reflection that she had taken the old man's life.

"Hold me a leetle vile," said the old beggar gently—"a leetle vile, mine frients; shust a leetle vile. It ish no matter. Te coot laty made a mishtake; tat vas all. Zay to te world dat I do forgiff de coot laty for de mishtake vot she haff made. Ah, mine Cot, shust now I vos unkery and pegged for pread. Zoon I vill pe unkery no more. To shoot a plind, lame peggar; 'tis small matter, mine frient, and I pray you vill tink notting uff it."

"Hold him up, Teddy, as long as you can," said Miss Bascombe. "I'm sorry I shot him."

"Hold me a leetle vile," said the old man faintly. "Ten lay me town for coot and all. Mine frients, I haff a vord for you. Ven you meet te poor plind man upon de road, unkery and cold, do not shute him, mine frients, but giff him pread. Dat ish pizness. Tell mine prudder Shacob I vos shot for nutting, and I leafe mine plessing upon all de world pehint me. Ven I am gone away put von leetle gravestone at my 'ead, and write on dis dat de coot laty zhot te poor plind peggar for nutting, and de poor plind peggar did forgiff her for his murter. Ah, mine throe frients, hold me up no furter. Shust lay me town and let me leafe dis vicked world. Coot py, mine prudder Shacob. Coot py, effrypody."

"Lay him down, Teddy," said Miss Bascombe gently, "and run for the doctor."

"I believe the old fellow is gone," exclaimed Teddy McIntosh. The blind beggar had stretched himself at full length upon the earth, and after a deep groan remained perfectly quiet.

"Run for the doctor, Teddy," repeated the young lady.

"Must I leave you here?"

"Why certainly. You found me here."

Teddy McIntosh took the bridle rein of his horse from the girl's hand and mounted the animal in haste.

"This is a bad business," he said to Sue as he was about to set off.

"I am afraid so, but it can't be helped now," replied the girl. "You go to the depot yonder, Teddy, and leave word for Ran Pearson to come on here as soon as he gets off the train. Then you fetch a doctor, Teddy, right away. I'll stay here till you get back."

"A doctor can't help the old man, but I'm off," replied Teddy McIntosh, and he immediately made good his assertion by setting forward at a rapid gait down the hill toward the depot.

The blind beggar lay in the road perfectly still. The dim outlines of his figure were visible to the girl, who sat on horseback a few yards away. She was perfectly still, of course, for there was no one to talk to, and Sue Bascombe was not in a talkative mood. To stand guard over a corpse is a serious business; and if the sentinel is solely responsible for the presence of the corpse it is a very serious business. The stars looked down frostily from above, and their pale shimmer gave to every object around a ghostly appearance. The clatter of the horse galloping away could be heard almost to the depot, and the noise, as long as she could distinguish it, made the girl feel a little less lonely. Now she heard the whistle of the engine and the rumble of the train at Ridgetop, and knew in a few minutes more it would come to a halt at Baker's three miles below. Dandy Jim fidgeted about a little in the road, but the girl sat immovable in the saddle. She slipped the pistol back into her bosom and tied a handkerchief about her throat, for it was getting chilly. The blind beggar lay motionless in the road, and she concluded, with Teddy McIntosh, that the doctor would avail nothing when he came. A prowling dog came trotting down the road and began to sniff at the corpse, but at the sharp command of the girl he ran away. With almost a steady roar the train rolled down around the dangerous curves of the ridge, and she heard first the whistle and then the bell proclaiming the stop at Baker Station.

Sue Bascombe heard these sounds, and calculated that in fifteen minutes, or less time, Teddy McIntosh, and probably Pearson, would arrive and relieve her from duty. She sat motionless on the back of her horse and anxiously awaited their approach. She was growing now a little nervous, for the dead man was unpleasant company. She did not look at him as he lay in the road. She looked persistently over him and to objects far beyond, but she knew he was there just the same.

Suddenly an incident occurred so surprising in its nature that it gave the young lady quite a shock, though as a rule she wasn't an easy girl to shock. As she looked above the tree tops and strained her ears to catch the sound of approaching horsemen, the dead man suddenly jumped up from the middle of the road and ran away. He ran swiftly, and in zig-zag fashion, so that in the misty light it was difficult to get a crack at him; but Miss Bascombe did pull her pistol promptly, and drew trigger with little expectation—let us hope—of striking the fugitive. She fired once, she fired twice; she took pretty good aim at the shadowy figure darting down hill like a rabbit and fired a third time. Then she lifted her voice—for Sue Bascombe was a queer girl—and gave a shrill yell all by herself up there on the hill. The blind beggar from a position he now deemed secure replied loudly in broken English, and in terms the reverse of complimentary. At this Miss Sue Bascombe fell into a fit of boisterous laughter, all by herself up there on the hill.

Pretty soon under whip and spur back rode Teddy McIntosh, with Mr. Ran Pearson close behind him.

"Name o' common sense," cried Teddy in great astonishment. "What—what—what's up?" for he had heard, mind you, the pistol shots, the yell, and then the laughter.

"Oh, nothing," replied Miss Bascombe. "The dead man has run away, Teddy, that's all."

"Well, I will be——" began Teddy.

"Ahem," interjected Miss Bascombe.

"Confound the luck," cried Teddy, having not yet overcome his astonishment. "The old scoundrel took to his heels, you say?"

"That's what he did," replied the young lady. "And, Teddy, considering the fact that he was blind, lame, and a dead man, he ran remarkably well."

McIntosh at this remained silent, having fallen into a sort of brown study.

"And, Teddy," pursued the young lady, "I'm very glad you took his pistol away from him. Otherwise——"

"Otherwise what?" inquired the young gentleman.

"Otherwise," said Miss Bascombe, "I think you would have found a dead girl up here on the hill and the old scoundrel missing, as he is now."

Then the three sat on their horses in the highway and held a

council of war. The conclusion was unanimously reached that the blind beggar was the shifty individual known to those present as the father of Cross-eyed Jack; and known to Patsy Kinchen's household as "de little ole white man." Sue Bascombe declared she had suspected as much when she shot him, but his subsequent behavior had led her for the moment astray. His motive for being out on the highway was perhaps to notify his confederate, by some agreed signal, that Pearson was on the road to the spot selected for his assassination. When Sue Bascombe came riding rapidly in the night toward Baker Station he divined her purpose and determined to frustrate her effort to warn Pearson.

"He was frightened away from Crawfish Cave," said Sue Bascombe, "by a dreadful fight he had there last night in the dark with Pete Kinchen. At least I reckon the place was too lonesome for him after his experience." Then she narrated hurriedly what Pete had told her, thus explaining the fact of her own presence now on the road to Baker Station.

"And I think I can tell you," said Teddy McIntosh, "why the old man was so anxious to put Pearson out of the way right now. They are going to have a special term of the court down at Coopertown, to try Cross-eyed Jack over again. Nothing would do Palaver but that another hearing should be had right away, and the judge has so ordered. The prisoner has already been taken from Nashville and lodged in the Coopertown jail; and the subpoenas are out for the witnesses in the case. Now, it's as plain as the nose on a man's face that they were bent on murdering Ran Pearson at once to keep him from working up the case for the prosecution, as he did before."

Then the three laid their heads together and fell upon a plan by which they hoped to secure the person of the negro, Alabama Sam, before he could be warned that there was danger for him ahead. This plan, however, failed, for when an hour later a posse reached the spot where he had lain hid, they found abundant evidence of his having been there, but him they discovered not. Miss Sue Bascombe lodged that night at a farmhouse near by; and the next morning she, Mr. Randolph Pearson, and Mr. Teddy McIntosh rode like good friends, as they were, back to their own neighborhood.



## CHAPTER XXXIV.

A SECOND TRIAL OF THE ANKERSTROM CASE IN THE INFERIOR COURT RESULTS IN A HUNG JURY—LAWYER PALAVER TAKES A DRINK WITH AN AGREEABLE YOUNG GENTLEMAN.

ON the very next day an expedition was formed, with Teddy McIntosh at the head, for the more thorough exploration of Crawfish Cave. Everybody knew where the cave was. Everybody knew there was excellent picnic ground at the wide mouth, and a subterraneous passage extending a good way back, along which young people of frolicsome turn frequently trod with lighted candles. Everybody knew this much, but everybody did not know that good fighting ground and lodging for travelers and stabling for horses could all be obtained by ascending the swift current of the stream that filled the dark channel through which it ran to a point above where another smooth, dry passage opened up, affording abundant room for all these purposes. When Pete's tale got abroad—and it was all over the neighborhood by sunrise next morning—a company of adventurous youths was speedily formed to put his marvelous story to the test. Teddy McIntosh elected himself captain of this scouting party, and he soon had at his heels a score or more of bold followers who were resolved to see for themselves how matters stood along the headwaters of Crawfish Creek. When this party reached the mouth of the cave they found a mixed and motley crowd assembled there, all eagerly discussing the Kinchen narrative, and all ready to venture forward, but for this or that impediment which at the moment was insuperable.

The McIntosh expedition, being composed in the main of hardy youths, made its way through this promiscuous assemblage and disrobed at the point where the creek came rushing down through its own narrow channel. Each man tied his raiment up in a tight bundle, which was fastened securely about his neck, and held in his hand a pistol or repeating rifle, which was to be carried above

his head when the advance began. Pete Kinchen had been among those who stood at the mouth of the cave when the scouting party came up. He followed this party back into the interior, and while the members were disrobing made a suggestion which most of them thought valuable.

"If you gen'lemun," said Pete, "wade up dis creek wid lanterns, and makin' a racket, one man kin shoot down fum de upper end and kill ev'y last one of ye."

This proposition being assented to by all present, the lad ventured another suggestion, which was promptly accepted as a sensible one by Captain McIntosh and his brave men.

"I kin wade up dar all by myself in de dark, makin' no more noise dan de water will make splashin' gin de rocks. Ef I don't come back pooty soon you may know I'm waitin' for you on de dry ground whar me and de ole man fit. Ef I does come back I kin tell you what 'twas dat made me come back."

This manly proposition not only elevated Pete in the estimation of his fellow adventurers, but convinced the most skeptical that the lad had not fabricated when he gave an account of his previous journey along the same route. Alone and in the dark, therefore, Pete Kinchen set out upon his second ascent of the stream, taking this time his raiment with him, to be donned when he should once more set foot upon dry ground. After waiting a half hour without hearing from him Captain McIntosh concluded he had either been killed outright or had secured a footing in the enemy's country without being assailed, and as the latter supposition was the most probable he set forward with his band up the creek.

They proceeded, without serious adventure, single file and in dead silence, till the lantern of the foremost of the party disclosed the lad standing alone on dry ground just ahead of them. He had clothed himself and had advanced cautiously as far as the guest chamber without discovering any sign of life in the cavern. The exploring party, when this intelligence was imparted, went forward with less apprehension of being resisted, but still with caution, till they became convinced that the recent occupants had vacated their underground abode. They entered the guest chamber and found the ashes of the fire around which Alabama Sam and de little ole white man had discussed the murder of Pearson while Pete was eavesdropping in the dark passage without. By close inspection they even discovered human footprints in the cold embers, left there doubtless by the old gentle-

man in his effort to extinguish the last spark before he vacated the premises, though, as one of the party remarked, there wasn't much danger of setting his house on fire. The floor of this guest chamber has since been damaged by a large fragment of rock that fell from the ceiling above and broke into two or three pieces, but at the time Teddy McIntosh and his band visited the place it was smooth enough for sure-footed revelers to have danced a cotillion upon.

Continuing their search the explorers found, stuck here and there in crannies, a good many empty bottles, a dirty deck of cards, and a well-thumbed copy of "The Life and Adventures of Jack Sheppard," which Mr. Hardrider had generously left for the edification of any future occupant of the cavern, who, like himself, might be of literary turn. They discovered also, a good way back in the cavern, a locked tin box, containing a ham, a jar of pickles, a few tins of canned goods, several loaves of bread, and a quart bottle of whisky, full and tightly corked. These supplies had undoubtedly been secreted for the accommodation of the robbers, or such of their friends as might find it expedient at any future time to seek shelter in the cavern. About two hundred feet beyond the guest chamber was the place where the horses had been stabled, though all signs of its having been put to such use had been removed as carefully as possible. One of the party measured the width of the cavern at this point by stepping across it at the widest place. He found the distance to be a little more than thirteen paces, or, by estimation, about thirty-one feet. The roof at this part of the passage was considerably higher than a man's head.

It is to be hoped the sympathetic reader has not forgotten the little fox terrier that so valiantly chased the robber to his den on the occasion of Pete's first visit and came to grief thereby. If the reader has overlooked the fact that the brave little creature was still somewhere in the depths of the cavern, he may be sure Pete Kinchen's memory was not so treacherous. The main purpose of the lad in attaching himself to Captain McIntosh's band of explorers was to make diligent search for his dog and bring him forth, dead or alive. So completely did the thought of his comrade, Jeneral Beauregard, fill the mind of the negro lad, that the entire force advancing into the bowels of the earth took on the character of a relief expedition, and for his own part he did nothing from the time the others joined him in the dry passage but

hunt for his dog with lantern and friendly whistle. For a long while his quest was unrewarded, but finally those who were occupied at some distance away heard his glad shout announcing to the subterranean world that the lost had been found. Presently the glimmer of his lantern was seen, as he made his way rapidly toward them, bearing his faithful four-footed companion in his arms. Not only had he recovered his dog, but he had found him alive, and his great white eyes and glistening teeth proclaimed his unspeakable joy thereat. Jeneral Beauregard, whose sands of life had nearly run out, licked the boy gratefully on the cheek and feebly wagged his stump of a tail, thereby indicating to all intelligent observers that the spirit indeed was willing, but the flesh was weak. There was a deep gash across the back of his neck, where the cruel bullet had plowed its way, and he was so faint from hunger and pain that he could not stand at all upon his legs. They bore him safely to the outer world, and I may say now, to relieve the reader's anxiety, that he in due time recovered his health, and from the moment he began again to stir abroad was the observed of all observers wherever he went.

The time was now at hand when the witnesses in the famous Ankerstrom case must again be gathered together and persuaded or cajoled into going once more to court to testify. It was with absolutely no hope of obtaining a conviction that Pearson devoted himself to this task, but he wished the community to be spared of what he thought to be the disgrace of a public acquittal. It had been part of the plan of the secret order which had condemned the prisoner to intercept the train that bore him from Nashville, and to take him from the custody of the few guards that they supposed would accompany him. This plan, however, had been frustrated by the unexpected withdrawal of the murderer, and his transportation to the jail of the county where his former trial had occurred. Here his case must again be heard by a jury, and for the convenience of his attorneys he was sent down a few days in advance of the time set for his second public trial.

Pearson, as said, entertained no hope of convicting the murderer of Mrs. Bascombe after the most material evidence against him had been eliminated from the case by the decision of the Supreme Court of the State. The attorney-general, but for the earnest protest of those most interested on the side of the prosecution, would have entered a nolle prosequi and had the prisoner discharged. As it was he entered into the investigation with the

idea that an outrageous crime had been committed which ought to be punished, and which he would make a desperate endeavor to have punished whether the evidence justified a conviction or not. A cur dog will fight desperately if his friends pat him on the back in advance of the engagement, and the State's officer, who was no cur dog by any means, was aroused to greater zeal in the fight he was now to wage by the fact that a good many excellent people were interested in his success and apparently expected great things of him. 'Twere long to tell of the legal tilts, the sharp thrusts, the keen retorts, the learned arguments, the appeals to passion and sympathy, the bursts of eloquence, the ingenious twisting of testimony, and the other concomitants of an important criminal trial that took up the time of the court for another full week. Suffice it to say that at the end of the struggle the attorney general was so far successful that the jury failed to agree, and so was discharged without rendering any verdict at all. Ten good and lawful men on their oaths, and with such testimony as they had before them, were of opinion that a verdict of not guilty should be rendered and the prisoner released from the custody of the law. Two obstinate fellows held out for conviction and the hanging of the prisoner, upon the ground that he had certainly killed old Granny Bascombe, and the fact that his guilt was not clearly proven in court ought not to save his bacon. Our old friend Palaver was furious at the result, the attorney-general was pleased, the prisoner was remanded to jail, and the cause continued to the next term of the court.

"My man will be free by the time frost comes next fall," remarked Palaver boastfully to a crowd at the foot of the steps when court had adjourned. "There is no evidence to convict him, and there cannot be a second failure of justice. I shall ask to have him admitted to bail as soon as the judge has leisure to consider the matter."

The fact is, Palaver, smarting under defeat, was about to apply for bail as soon as the jury was discharged, but he reflected that he might avail himself of the opportunity the mistrial afforded him to wrest a little more money out of his client. The case had been contested more severely than he expected when he fixed his fee, and all these delays and applications for bail ought to be compensated for by fresh drafts on the pocket of the venerable Olof Ankerstrom, who—Palaver had discovered—though occasionally reduced low, had some mysterious way of replenishing his ex-

chequer. The lawyer therefore waited to confer with the old gentleman, whom he had not seen of late, before making to the honorable court a request for bail, which he had every reason to believe would be granted when applied for.

On the evening following the day of the trial, when all the witnesses had gone their separate ways, and other matters had been taken up, Palaver prior to wending his way homeward had stepped into a saloon near his office to take an invigorating nip, and thus prepare his mind for the restful influence of home. He was standing at the bar, had given his order, and was stirring his glass thoughtfully when he was accosted in a friendly way by a young gentleman who had entered the saloon manifestly upon the same business.

"Good-evening, Colonel," said the young gentleman, extending his hand cordially as he spoke.

The lawyer raised his head and eyed the new-comer inquisitively to see if he could remember ever having met him before.

"My name is Galloway," said the young gentleman; "nephew of your old friend Galloway of Nashville. You don't know me, Colonel, but I know you. I am studying law, and hope some day to be able to make such an argument as I heard you make not long ago before the Supreme Court in the Ankerstrom case. That was a grand argument, Colonel, a grand argument. Everybody said so who heard it."

"It won the case," replied the lawyer complacently. "A good speech, my young friend, is a speech that wins the lawsuit."

"So it is, so it is," said the young gentleman, bowing low to his senior. "There can be no better definition of a good speech than to say it is one that wins the lawsuit."

"The Colonel makes a good many speeches of that kind," interposed the friendly barkeeper. "The fact is, he don't make any other sort."

The Colonel, manifestly pleased at finding himself held in such high esteem, here pulled an assortment of silver coins from his pocket preparatory to settling his little bill.

"Allow me," said the gracious young gentleman, and he passed to the barkeeper a coin of sufficient denomination to pay for two drinks. The Colonel bowed with dignity and also with affability. It was a standing rule of his always to let the other fellow pay for the drinks if he would.

"A good speech, as you say, Colonel," continued the pleasant

young gentleman, wiping his mouth, "is a speech that wins the case. Spread-eagle oratory, and that sort of thing, counts for little, I imagine, with an intelligent court."

"Not worth a d—n," replied the Colonel.

"It may now," pursued the agreeable young gentleman, "once in a while make some impression on a jury——"

"That's where it comes in," interrupted the Colonel, breaking in on the young gentleman's remark. "You are seeking to qualify yourself for the practice of my profession, and I tell you right now that buncombe talk goes a long way with a jury."

"Gentlemen," chimed in the barkeeper, whose prophetic soul recognized in this confab a second order for drinks, "walk into the back room. You'll find seats there."

"Don't care if I do," replied the young gentleman, taking his way into a snug apartment in the rear.

"Only for a few minutes," remarked the Colonel, following the young gentleman's lead.

Here the two gentlemen sat discoursing for the space of ten minutes, or some such matter, when the pleasant youth propounded the following query:

"What remark was that, Colonel, which the governor of North Carolina made to the governor of South Carolina?"

"If his utterance has been correctly reported," replied the Colonel gravely, "he said it was a long time between drinks."

"Ha-ha-ha," laughed the two gentlemen in unison, and in response to a rap upon the table the barkeeper appeared with two more glasses of liquor.

They sat chatting for another little while, and as they rose to go the young gentleman remarked in a confidential manner:

"By the way, I heard a thing the other day, Colonel, that perhaps you ought to know. A friend of mine, a drummer, and a pretty shrewd fellow, had just returned from the Marrowbone Hills, and he said the folks up there were mad as tucker over the decision of the Supreme Court in the Ankerstrom case. There was a good deal of excited talk, he said, about sending a mob down here to take Ankerstrom out of jail and hang him. There may be nothing at all in the threat—and I don't suppose there is—but I thought I'd let you know how the folks up there were plotting mischief."

"Thank you, Galloway," replied the Colonel. "We have heard all about that, but have not been in the least disturbed by the

rumor, because a dozen mobs couldn't break open the jail here and take a prisoner out. To save trouble, however, we're going to send Ankerstrom back to Nashville without delay. We don't want any rash attempts made here that may compel the officers to shed blood."

"I see, I see," replied the pleasant young gentleman. "Well, that course certainly is commendable and merciful. I hope if the mob does come the jailer will be able to say to them truthfully that the man they seek is no longer in his custody."

"He can certainly say that," replied the Colonel, "unless the mob comes to-night. To-morrow evening we mean to send Ankerstrom back to Nashville. This, of course, is confidential."

"Of course," said the young gentleman. "Of c-o-u-r-s-e. I see, Colonel, you keep your eyes open all the time."

"Nobody has ever caught me napping yet," replied the Colonel. "In our profession, Galloway, a man *must* keep his eyes open all the time." And the new acquaintances here shook hands cordially and parted with mutual esteem.

As the agreeable young gentleman walked down the street it might have been observed that he bore a marvelous resemblance to our farmer friend Teddy McIntosh; but we know it could not have been Teddy because the young man had just told Colonel Palaver that his name was Galloway, and that he was studying for the law. When he had reached and turned a corner and, proceeding on his way, had reached and turned another corner, he came upon two other young men who seemingly had been waiting for him. The three stood a while in close conference, and after they separated one of the number went off by himself, and mounting a horse set out at a pretty good gait in the direction of the Marrowbone Hills. It was nearly night, but he rode as if he meant to travel a considerable distance before his jaded steed was permitted to enter a stable for rest and food. Mr. Galloway and his remaining friend, having no pressing business on hand, went to a tavern and supped and lodged, and next morning were out upon the streets again.



## CHAPTER XXXV.

A NOTED INDIVIDUAL SHUFFLES OFF THIS MORTAL COIL, AND LEAVES  
THE WORLD NONE THE POORER.

LATE in the afternoon following his pleasant confab with lawyer Palaver, Mr. Galloway, having seen all the sights of the town, concluded to take his departure. He and his friend strolled in a leisurely way to the depot with the view of taking the northbound train, and a few minutes after their arrival an officer came from the jail, having in custody the prisoner, Ankerstrom, who was to be escorted back to Nashville for safe keeping. A second officer was along, perhaps merely as company for the first, perhaps to assist in case the prisoner should make an effort to give leg bail.

Before the arrival of the northbound train Mr. Galloway went out and telegraphed to a friend living on the Nashville road that two good mules could be bought at Coopertown upon reasonable terms. Perhaps if Colonel Palaver had been present he might have inquired if the young law student was also engaged in the mule trade, but Colonel Palaver was not present, and consequently Mr. Galloway was not called upon to answer any questions.

At Guthrie, Kentucky, there was a wait of something more than an hour. At this point, as all well-informed persons know, the St. Louis & Southeastern road crosses the Louisville & Memphis Railroad, and passengers for Nashville from the latter road must change cars. Mr. Galloway and his friend walked up and down the long platform chatting pleasantly, and did not seem to mind the delay at all. The officers in charge of Ankerstrom grew somewhat impatient. The St. Louis train was nearly an hour late, and they did not relish the idea of being compelled to postpone their stay at Guthrie. They spoke their minds as freely in the presence of the prisoner as if the latter had been stone deaf or totally unfamiliar with the English language.

"I don't like this here place at all," said the head officer to his assistant, "and I never did like it."

"Me nother," replied the gentleman addressed. "It's a ticklish place for them in our business, and that's a fact."

"It's pretty rough," continued the first, "that an officer can't take a criminal from one place in Tennessee to another place in Tennessee without having to go out of the State on his road. And it's all the rougher that while you are out of the State with your man you've got to stop and wait a couple of hours. All sorts of things can happen in two hours."

"Our man might jump up and run" replied the assistant, "and we dassn't shoot him, because over here in Kentucky we hain't got him in legal custody."

"I'll put one ball in him if he tries that caper," said the head officer nonchalantly, "though I may get took up the next minute for shootin' inside the town limits. But what I'm afraid of is a habeas corpus. Some Kentucky constable could read a little piece of paper to us right now, and we'd have to give up this scoundrel whether or no. I wonder the lawyers on this side of the line don't work that racket often on Tennessee officers."

"Did you ever know 'em do it?" inquired number two.

"I 'member one time——" began his superior, intending to favor his companion with a chapter from the book of his individual experience.

"Yonder she comes," interrupted the party of the second part, as he observed a thin curl of smoke a mile or so away up the road.

"Now I feel easy," remarked the principal officer. "In ten minutes more we'll be back in Tennessee again, and when I'm in Tennessee I ask no odds of anybody."

Night had set in some time before, and the train made a pretty sight as the cars rolled up to the platform. Johan Ankerstrom was in excellent spirits for so sullen a fellow as he habitually was. He had not cared to make a break from the officers and risk the chances of being shot. He had no need of habeas corpus proceedings in Kentucky, for the outlook in Tennessee was encouraging, and he cherished a reasonable hope of being freed by legal process in that State soon.

When they got aboard the train for Nashville the two officers and their prisoner took the smoking-car, and Mr. Galloway and his friend likewise took the smoking-car. At the various stations along the route people got on and off as usual; only it was noticed

that on this occasion a good many more people got on than off. By the time the engine whistled for the station called "Ridgetop" the smoking-car was nearly full of men, an unusual circumstance.

At Ridgetop a party of young fellows got aboard, who were manifestly resolved to make a night of it, and had already advanced a considerable way in this laudable endeavor. They made as if they would enter the ladies' coach, but the conductor politely invited them into the smoking-car.

The train now began gliding rapidly down the hill. It was considerably behind time, and turned the many short curves in the track with what seemed to be almost reckless rapidity. When something more than half way down an accident occurred which for the moment promised serious consequences. The train was nearing the dangerous-looking bridge—built in a semicircle—when a man suddenly stepped on the track in front and waved a lantern furiously. Others appeared by his side flourishing their hats, and crying aloud "Stop! stop! stop!" The engineer, being thus confronted in an alarming manner, reversed his engine, bringing the train at once to a halt and flinging many of the passengers from their seats. The drunken squad, supposing that a promiscuous melee had begun, fell a fighting among themselves. One flourished a stick and broke a lamp overhead. A second light had been extinguished by the general shock, and only a single lamp remained, which but feebly lit up the car. A great confusion of voices now arose; some calling out to jump from the train and others crying they were on the bridge, and to leap would be death.

The officer in charge of the prisoner as soon as the shock came was seized from behind by two or more persons and his arms held fast. He called to his deputy by name, telling him to hold the prisoner but the deputy had also been seized in like fashion with himself. Ankerstrom had not been fettered—as the precaution had been deemed unnecessary for so short a journey—and now stood hesitating while the hubbub about him increased. "Run," whispered one to him as he stood uncertain. "Run, you fool." He leaped over the back of the seat and started for the nearest door.

"Catch the prisoner!" cried the officer, who could see him moving in the misty light. "Catch the prisoner! There he goes."

"Catch the prisoner! catch the prisoner!" cried a dozen voices at once; but they helped him on his way.

He twisted in and out among them. He dodged them, supposing he was unknown in the confusion. At first he had seemed almost loth to go, but he redoubled his effort to escape when he heard the officer's cry. Struggling down the aisle through the surging mass of men he reached the door. On his left was a small plot of level ground, where stood a number of persons. On his right was a steep declivity, then a patch of scraggy bushes, then a deep, rough hollow. He knew the place well, and when he reached the platform leaped boldly into the darkness on his right. He rolled over and over when he struck the earth, scarcely making an effort to stay himself. Now he rose, and dashing into the patch of scrubby undergrowth ran for his life. He cared not that the briars and sharp branches tore his clothing. He understood that to flee down hill would lead him into the deep, dark hollow where safety lay, and lowering his head and closing his eyes he sped with all his might. When he had made furious headway thus for a little space he ran into the arms of a man. Not of one man only, but of two, three, a dozen, who had him bound and gagged before he fully realized he was in their hands.

Back at the train the engineer had become satisfied that there was no serious trouble ahead. A handful of excited men had become alarmed over a rumor that one of the rails on the bridge had slipped its place, and so had rashly signalled the train. The worst of the matter was that the prisoner had escaped. He had darted off during the confusion, and was now at large somewhere out in the bushes. Undoubtedly there was a preconcerted plan to take him from the officer and kill him, but the mob had bungled and let him go, and to catch him again would be no easy matter. Some were ready to declare that the handful of excited men who stopped the train were really part of the mob, but making an assertion is one thing and bringing proof to substantiate it is another.

Meantime a considerable band of horsemen wended their way in silence from the scene of the confusion back toward the interior of the Marrowbone Hills. Before the stars had begun to pale another assemblage was gathered about the ashes of the old Bascombe home. It was a solemn assemblage, as might have been noted, if there had been a curious looker on at the moment, and a quiet assemblage, for no word was spoken that could have been heard twenty yards away. Back in the thicket might have been heard the stamping feet of tethered horses, but none of these were visible in the little clearing that marked the spot where the old

house had stood. Robed in long black gowns, with black hoods concealing their features, human creatures now stood in this space, as silent, and almost as motionless, as the desolate chimneys that still guarded the precincts of the once cheerful home. These figures—about two score in number—were formed in a circle around a large oak tree that grew in the front yard, a few steps away from the door through which the old widow had fled on the night of the murder. It was near the root of this tree—as was shown by her own statement, and by blood stains upon the earth—that the cruel blow from the ax was delivered.

Now was led forward a horse, upon the back of which sat one pinioned, and with his feet bound together underneath the body of the animal. In the dim light those who had ever seen him before could not fail to recognize the repulsive features of the murderer, Johan Ankerstrom, known as Cross-eyed Jack. He made no noise as he came into the center of the group, for he had been gagged as well as firmly bound. On each side as he came walked a figure robed in black and holding him by the arm to make sure that he kept his place on the back of the horse. When they came to the large oak tree they halted underneath a limb, from which a rope dangled. The loose end of this was quickly tied in a slip-knot about the captive's neck. He made no resistance as this was done, but seemed to be sullenly submitting to his fate.

"Prisoner," now came in solemn tones from one of the figures who stood a little apart from the others, "your last hour has come. Is there anything you wish to say before you are made to atone for the death of the good old woman whom you murdered on this spot?"

Then the handkerchief was unloosed from the mouth of the captive in order that he might have opportunity to reply.

Cross-eyed Jack glared about him as a tiger might have glared that found itself trapped and begirt with foes. Those who know they are doomed to die nearly always meet the inevitable with outward fortitude. With most base characters this seeming resolution results only from an utter inability on their part to realize the stupendous fact that they are about to forsake a stage of existence which has before occupied all their thoughts and pass at once to an unknown and un contemplated beyond. Johan Ankerstrom had never done an act in all his life that could properly establish for him the reputation of being a courageous man. He had been rather a skulking beast of prey, whose instinct prompted

him always to flight till caught in a situation where flight was impossible. Now as he sat powerless and hopeless under the gallows tree he was resolved to die as a savage would have died who saw no chance of escape or of wreaking vengeance on his foes. If he could not save himself he could at least heap imprecations upon his enemies. When his lips were first unsealed he spluttered out meaningless sounds for a moment, for he was literally choking with rage and blind malice toward those who held him in the hollow of their hands. When he found utterance he raised his voice to its highest pitch and screamed out oaths and insulting abuse of the coarsest nature upon his captors. It was horrible to hear the dead silence of the night broken by such wild and blasphemous words, especially when those who listened knew they fell from the lips of a dying man.

To check the torrent of rough language the chieftain of the group raised his right hand and at once the handkerchief was replaced in the murderer's mouth and his harsh voice stilled, though for some moments longer hoarse guttural sounds proceeded from his throat. Then again the principal person of the group spake, addressing the silent creatures around him:

"By sentence of the Ulema, and by the decree of our mystical order, this man has been adjudged worthy of death. Are ye all still convinced it was his hand that smote down at midnight the good old woman who died on this spot?"

Every cowed figure in the circle bowed low in token of acquiescence.

"Is it still your deliberate judgment that for this grave crime his life should pay the forfeit?"

Again every black-robed figure bowed his head in token of assent.

Then spake the leader for the last time, in tones deep, slow and solemnly impressive:

"Let him die the death."

Those on each hand now held the murderer firmly. The bonds that bound his feet together were unloosed and the horse was led from under him. He struggled for a long while in the presence of the somber figures that composed the circle, but none of these approached him, and no one spake a word. No angry demonstration accompanied the last moments of the criminal on earth. No pitying voice was lifted against his taking off. None gloated over his death agony, as he had done two years before when Sandy

Kinchen—near the self-same spot—died innocent of the crime for which he suffered. Long time the body dangled from the tree, and when life was extinct the leader of the band announced to his followers that the sentence of the mystic order had been executed and they might disperse to their several homes.

So died Johan Ankerstrom, murderer, outlaw, anarchist, atheist, human brute. We are told in the Book of books that of him to whom little is given on this earth little is expected. If so it may be that when this base creature came to be judged in the wiser world beyond, against his many sins of commission and omission were placed as an offset his scant opportunities in life, his sluggish intellect, his evil associations from childhood, his brutish instincts, which though he had striven against them he perhaps lacked spiritual strength to resist. It may be that when he reached that wiser world beyond all these things were considered in judging the brutal malefactor, the pros and cons fairly weighed in summing up his earthly career, and a final verdict rendered in his case which tempered stern justice with divine mercy. In human governments, however, those whose duty it is to administer justice cannot afford to inquire too nicely into the remote influences that combine to form the character of the criminal. Society here must protect the peaceable and well disposed among its members from the cruel and rapacious, the doves from the foxes. To this end penal statutes are framed, and whenever these statutes are not promptly and rigorously executed the purpose of the law is defeated and society is wronged. Undue solicitude for the evildoer removes a wholesome restraint from his class and leaves the better element in a community at the mercy of the worst, so that tenderness for the few is cruelty to the many.

When dawn was nigh those who formed the silent circle separated and went their several ways, leaving the lifeless body of the murderer hanging from the tree. Before the order to disperse was given the individual who seemed to be in command advanced and pinned to the malefactor's chest a broad placard containing these words plainly written:

x.....x

:  
 |: "This man was not hung by an angry mob, nor exe- :  
 |: cuted by the sheriff of the county in pursuance of a legal :  
 |: decree. :  
 |: :  
 |: "HE DIED AT THE HANDS OF THE K. K. K. :  
 |: :  
 |: When monstrous crimes are no longer committed, or :  
 |: justice is speedily administered through the courts, this :  
 |: organization will cease to exist. :  
 |: :  
 |: "TILL THEN LET EVILDOERS BEWARE." :  
 |: :  
 x.....x

Underneath were certain mystical characters or hieroglyphics that may have signified a great deal, and may have signified nothing at all.

All day the lifeless body hung, as the lifeless body of Sandy Kinchen had hung in the woods near by about two years before. Curious people came and viewed it and went their way, as they had done when Sandy Kinchen shuffled off this mortal coil beneath the gallows tree. The coroner came not nigh and no jury of inquest assembled to deliberate and report as to the identity of the dead man swinging from the tree or the cause of his taking off. That night the body was lowered by unknown hands and carried off to a lonely place in the woods where a grave had been dug to receive it. There it was hidden from sight, the earth above it leveled, and leaves and dry branches scattered over the spot, so that the last resting place of the murderer could not be discovered at this day though one should diligently seek for it.



## CHAPTER XXXVI.

## THE PROMPTER RINGS HIS LITTLE BELL, AND THE CURTAIN FALLS.

WHATEVER may have been thought and said elsewhere about the hanging of the murderer, Ankerstrom, by the good people of the Marrowbone Hills it was universally lauded as a meritorious act. The only criticism heard upon it in that section was that the villain should have been hung long before he was hung, and that the individuals who finally administered justice in his case waited over long in the discharge of a plain duty. Still from the morning when the body of the malefactor was found swinging from a tree near the lonely chimneys of the old Bascombe place down to this good hour the mysterious Brotherhood of the K. K. K. has been regarded as a praiseworthy organization, whose mission it was to set things to rights in a community where from any cause the times were out of joint. There were, as said, not lacking those who censured the order for proceeding too deliberately, but the most thoughtful part of the community were of opinion that the constitution of the order was wisely framed so as to avoid on the one hand awkward mistakes and on the other vexatious delay, with probable failure of justice in the end. It was right, said these, to await the decision of the courts after having delivered Ankerstrom to the jurisdiction of the courts, but having demonstrated the utter inability of judge and jury to administer speedy justice in grave cases it was not to be expected the klan in future would waste time in similar experiments. Hereafter when murder was done, or other flagrant outrage committed, the offender would be run down, his case critically inquired into by the high court of the order, and justice meted out to him in a prompt and business-like way. There would be in the Marowbone Hills no more hasty action by an incensed mob, such as had brought poor Kinchen to an unmerited end. And there would be, on the other hand, no more dilly-dallying in the courts, such as had come nigh freeing the

murderer, Cross-eyed Jack, after two years' weary waiting. The grave problem of crime and its punishment had been settled by the formation of the efficient secret society known as the K. K. K. Thereafter rascals of every sort would be apt to give the community a wide berth for fear the hobgoblins of the order would overtake them and bring them to justice by means of a court speedily organized in the woods, while the innocent would suffer no apprehension of being done to death by an excited mob before inquiry could be made into the charges against them.

So the talk went; but while a great majority of folk in the hill country thought they had settled a very grave problem, there were not wanting a few restless persons in their midst who hankered after still further reform. These insisted, and are still insisting, that all which could be expected of the K. K. K.—and a good deal more—might be accomplished through regular legal channels if the legislature would but amend the statute laws under which we live. These are days they say, of steam traffic, telegraphs and telephones, and all business methods have been revolutionized to suit the times, but the car of justice creaks along in the same old ruts it followed when George the Third was king.

At the South especially—insist the carpers above mentioned—the criminal statutes require to be remodeled so as to conform to the needs of the present generation. Here, as a consequence of the civil war, several millions of negroes have been lifted from servitude to freedom, and while a great majority of these have deported themselves well, many have become criminals and have displayed a tendency especially toward the commission of vile offenses against which every instinct of civilized man revolts. Having no longer any masters to control them, and being unable to control themselves, these outlaws are now dangerous foes of society and need to be dealt with in the most summary manner to check their evil propensities. But the laws in most of the Southern States have not been changed to meet this changed condition of affairs. The courts, proceeding according to old methods, cannot be relied on to administer speedy justice, and speedy justice being essential, citizens rise up in cases of extreme provocation and seek to administer it themselves. In so doing they occasionally make grievous mistakes, and they always set an example of lawless violence which the evil disposed in their midst are swift to follow. The law-makers should realize the serious problem they have to deal with

and undertake to solve it in a practical way. In every county there should be some official authorized to make prompt investigation when an outrage was committed and to arrest suspected parties. These might have a hearing without delay before a county judicial officer and an intelligent jury, free from excitement or bias. Sufficient time should be given to make the trial fair and complete, but a few days or a few weeks at farthest would suffice for this purpose. Alleged errors of law, arising in the progress of the trial, might be taken at once to the Supreme Court of the State, and that tribunal in such case should be required to suspend all civil business and dispose of these without delay. If a new trial was ordered it should be held at once before another jury of intelligent citizens whose only qualification should be that they were free from bias either for or against the prisoner, and could give him a fair trial. In two or three months at farthest the most hotly contested case could thus be disposed of and punishment openly imposed on the offender if he was adjudged guilty. Whenever in any community speedy and fair investigation could thus be had through the medium of the courts good citizens would rely on the law as the surest means of suppressing crime, and none but turbulent and disorderly spirits would encourage any attempt on the part of a mob to usurp the province of the courts.

Thus, or in some such fashion, do a few malcontents in the Marrowbone Hills continue to prate, but most of their neighbors pooh-pooh the idea of effecting a radical reform in criminal procedure by means of change in the statute law. As well expect, say they, to alter the course of the moon round the earth as to divert the established judicial chariot from the beaten circuit it has followed for ages. They urge further that the old method of criminal procedure has become now a fixed part of our civil system, and there is great doubt as to whether the body politic could survive the shock if one of its principal members was thus plucked up violently by the roots.

If the author could be heard to venture a suggestion in so weighty a controversy he would propose that something in the nature of a compromise be attempted by which needed reforms might be instituted and the present well-settled order of things preserved at the same time from serious shock. In the ancient and highly civilized empire of Japan they had until recently two separate and distinct governments for the people, each in operation, and—as you may say—in full blast at one and the same time.

By one of the governments—if the author understands the matter—affairs were conducted altogether according to time-honored precedent, and the administration of justice was hedged about with so many well-established rules and formulas that it was not possible in any case to attain practical results although the worthy officials were always hammering away at one thing or another. They were the wisest men in all the country, selected for their deep knowledge of old laws and customs and their supposed ability to see further into a millstone than the common run of men. Yet, as has been said, they so mystified their brains poring over musty old books and endeavoring to construe the utterances of the ancients, that they were unable to accomplish anything at all in the way of business, and in the course of many centuries it came to the point that nobody expected anything at all of them. In this condition of affairs the Japanese, who are an exceedingly ingenious and resourceful people, instead of overthrowing their deeply revered and helpless government, set up another alongside of it, from which some little might be expected in the way of attaining results. They saw to it that the men chosen to administer this second government were practical fellows, not much learned in the wisdom of the ancients, but having pretty clear ideas as to the pressing needs of their own times. The officials selected under this plan speedily—to use a Japanese phrase—got a move on themselves. They endeavored to dispatch business according to modern methods, and, remembering Lot's wife—if they had ever heard tell of her—avoided the fatal habit of looking backward. The two plans—as the author has always understood—worked well and smoothly together and for a long period of time to the entire satisfaction of the Japanese people. There was no friction and no conflict of jurisdiction between the two governments, as each was entirely separate and distinct from the other, and neither paid the slightest attention to the other. Even when the same matter came up before them for consideration no trouble arose, for the later tribunal would usually have the case settled and off hand before it was called for hearing by the first; and it not infrequently happened in criminal prosecutions that learned counselors in the justice halls of the old government would be pleading and interpleading and entering all sorts of dilatory motions in the case of some noted malefactor who had been beheaded by the new government a dozen or more years before. A plan which worked so well in Japan

would probably not be a total failure in Tennessee, and the author suggests that if nothing better can be thought of the dual, or Japanese, system of government might be tried here. And if the suggestion meets with any favor he would propose to those inclined to regard it kindly that they investigate closely the constitution and methods of the secret society known as the K. K. K. to see if some ideas cannot be gotten therefrom which would assist in the formation of a new and up-to-date criminal code, by virtue of which justice would be administered so expeditiously that no excuse would remain anywhere for the exercise of mob law.

Asking pardon for this somewhat wearisome digression the author begs leave now to make brief mention of some of the characters that have been brought before the reader in the preceding pages, and who, perhaps, now deserve further notice at his hands. As to the worthy old gentleman and his friend, Alabama Sam, who were left in the vicinity of Baker's Station, the author knows but little more of their subsequent movements and their present whereabouts than does the reader himself. The morning after the stopping of the train on Paradise Ridge the Nashville papers gave a full account of the melee incidental thereto and the shrewd escape of the prisoner, Cross-eyed Jack, from both mob and sheriff. On the same day in the forenoon Mr. Olof Ankerstrom, who had been previously introduced by Lawyer Palaver, appeared at the counter of the bank where the fee had been deposited and presented a check for the balance on hand, signed by both himself and the attorney. As the money was deposited to their joint account, and Palaver had paid the old gentleman a high compliment when he introduced him to the cashier, the check was honored without question, and the old gentleman withdrew with thanks. Next day the whole truth as to the hanging having come out, and the old gentleman not having shown up at the office of his attorney, Palaver walked to the bank and sought to draw the entire fund on his individual check. He considered himself—as he explained to the cashier—legally entitled to this, as the case was ended, and his co-depositor—to the best of his knowledge, information and belief—had absconded. When informed that the old gentleman had drawn the entire amount—some three hundred and seventy-five dollars—on the preceding day, his remarks were highly interesting, but as they were not delivered under oath, or in view of immediate dissolution, I do not feel at liberty to repeat them. He claimed loudly that the bank had

paid a forged check and would have to suffer in consequence; while the cashier with more moderation insisted that Palaver had introduced the old gentleman to the bank, had led the bank into the error of reposing confidence in him, and therefore Palaver must take the disastrous consequences resulting from his own rash act. The controversy finally drifted into a lawsuit betwixt the lawyer and the bank, which—a very grave principle being involved—is hanging fire yet, and will probably occupy the attention of the courts for many years to come. Meantime the old gentleman and his friend, Alabama Sam, have gone their ways to parts unknown, and whether now in the world or out of it the author of this faithful chronicle cannot say.

Up in that benighted part of the world of which this narrative has been treating they have a custom of breaking loose into general hilarity about the Christmas time of the year. 'Tis a practice handed down from their ancestors and most religiously observed by the present generation. On Thanksgiving Day turkeys will be devoured and the request of the president to treat the occasion as a holiday circumspectly obeyed. But they hold, these old-timey back-country folks do, that a divine ordinance is entitled to more consideration than a human ordinance, and that as the blessings of Christianity are incalculable and universally acknowledged when it comes to celebrating the birth of its Founder their joy should know no bounds. Consequently all business at this time of the year is suspended and the whole country—without regard to age, sex, color or previous condition of servitude—is given over to frolicking. There is plain fiddling—which in my judgment beats all the classic music that ever was heard—dancing—such as presumably would have delighted the heart of King David—and absorption in moderate quantities of spirituous, vinous and malt liquors—for which custom the imbibers have, or think they have, the high authority of St. Paul. Thus with a good week's mirth do the dwellers in these benighted parts as a general rule see the old year out and the new year in. With Christmas gifts and kindly greetings, and renewed assurances of hearty good will among friends, and burial of old grudges bewixt those who have been at outs, they manage to lay in a stock of cheerfulness and brotherly love at this gracious season that lasts them far into the following year.

On the particular Christmas following the exit of Cross-eyed Jack from the planet there were two weddings which made the

happy season even more enjoyable to the community at large than usual. One of these, as the astute reader has doubtless surmised, was the uniting in the holy bonds of wedlock of Mr. Bob Lee Templeton and Miss Marie—alias Polly—Habersham. The other, which befell only a night or two later, was the joining together lawfully of our sober friends, Mr. Randolph Pearson and Miss Sue Bascombe. At each of these weddings there was a large attendance, though the former was decidedly the gayest and most stylish affair. The Major was resolved to have all of his friends present upon the occasion, and Mrs. Habersham and the maid, Matilda, were resolved to have everything conducted in the most genteel fashion, and so it happened that the large house was full of people from bottom to top, and it was at the same time a decidedly swell affair. To say that Mr. Bob Lee Templeton did himself proud by his behaviour during the ceremony and that Miss Polly looked sweet enough to eat, is after all to say very little, because everybody in the least acquainted with them expected as much in advance. Toward the close of the entertainment the Major's utterances on the state of the country became louder, more dictatorial and less argumentative, from which it was inferred by such of his hearers as were in condition to judge that his liquor was getting the best of him. In reading such conclusion, however, I need not inform the reader that they were entirely mistaken; for whether the Major was unduly elated at having such a fine son-in-law as Mr. Bob Lee Templeton, or whatever else might have induced his noticeable conduct, I am ready to assert on my own responsibility that it was not the stimulating fluid he had imbibed. Saint Peter upon one occasion had the same damaging charge brought against him and repelled the accusation—as all Bible readers will remember—by reminding his hearers that it was only nine o'clock in the morning, and such an allegation was therefore preposterous. This defense at the time seems to have been adjudged satisfactory and sufficient, but I cannot help thinking that both in the case of the Apostle and Major Habersham, the high characters they bore in their respective communities would have been a more effectual reply to a scandalous impeachment than any special plea that could have been offered.

The Pearson-Bascombe nuptials, while largely attended, were conducted in a more quiet way, and rumor even went to the length of asserting that there were two or three mourners present upon the occasion. One of these, I have no hesitation in saying, was

Teddy McIntosh. Another, I am equally confident, was not our friend Slowboy, because, though invited, he did not grace the festivities with his presence. Teddy did not look like a mourner, but being of a philosophical turn contented himself with the reflection that there were as good fish in the sea as ever were caught. He was heard to whisper to two or three of his friends during the evening, when he observed Pearson gazing fondly upon his bride, that that girl could twist anybody round her finger. I may observe in this connection that Miss Sue did so twist Pearson round her finger that he came in time to respect her opinion highly upon all subjects, and after fair trial proved himself to be, what all the neighborhood still regard him, a dutiful, affectionate, and provident husband. Mrs. Pearson seems to be quite fond of him, and advises all her girl friends, when they contemplate matrimony, not to confide their happiness into the keeping of any gay young fellow, but to hook on for life to a pokey old bachelor.

I said just now that Solomon Slowboy was not present at the Pearson-Bascombe nuptials. I will go further and state to the reader that he was not heartbroken over the marriage of Miss Sue, but plucked up a spirit, and even bore with seeming equanimity the merciless guying of his legal friends on the subject. Not a great while afterward it became pretty generally understood that his mother had formed a design to espouse him to a damsel in his own county, who, the story went, after being duly consulted, had consented to the arrangement. The female in question was sharp-visaged and sharp-tongued, and several years the senior of her intended husband, but possessed in her own right a farm of a few hundred acres which Slowboy's mother thought could be made a desirable property if duly looked after. Matters were proceeding rapidly to a crisis, and Slowboy had been taken several times by his mother to call on the elect lady, when one of those untoward accidents occurred that will bob up occasionally in this world to disconcert the best laid schemes of mice and men. A young chit of a girl in the town, with meek, brown eyes and peachy cheeks, went a fishing for Slowboy and hooked him before ever his estimable parent knew she had designs upon him. Late one evening a marriage license was procured from the county clerk, and before another hour had passed, an obliging minister of the gospel had united the two so firmly that even an irate mother could not unknit the bond. The lawyer and his bride are now living together quite happily, the old lady has been pacified and young Mrs.



Slowboy may be seen on nearly every fine evening pacing around the town on Martha Washington, looking as demure and free from guile as if she had never kidnapped a lawyer.

For a good while after the desperate combat in the cavern Pete Kinchen and his dog were noted characters among the lads and four-footed beasts of the Marrowbone Hills. Young Kinchen again and again escorted parties of curious sightseers into the bowels of the earth and fought his battles over again on the very spot where he and de little ole white man had wrestled in pitch darkness for the mastery. Here against the wall stood Kinchen, deeming himself safe from discovery, when of a sudden the bare palm of the old gentleman was laid confidently upon him. On this spot did he smite the old man valorously with his fists, around and around in this broad space did the two waltz in silence, and on this slippery piece of ground did Kinchen uptrip his adversary, Jeneral Beauregard rendering valuable assistance at the moment by tugging with all his soul at the other leg. Pete Kinchen was not given to many words, but he was made to tell this tale so many times that he could begin at the very beginning and rehearse the thing straight on through to the end without ever a stop.

As usual in such cases the public was not satisfied with the plain unvarnished tale delivered by Kinchen, but must needs supplement this with wild tales of the doings of robbers and outlaws in the cavern at other times and in days preceding the era of the horse-thieves who had lately evacuated the place. 'Twas said that the famous highwayman, John A. Murrell, at one time had his headquarters in the deep recesses of Crawfish Cave, and had buried some of his stolen treasure there. Others would have it that old Demonbrune, the adventurous Frenchman who ascended the Cumberland River long in advance of the earliest white settlers, had made his dwelling here for a season and had left valuables behind which he wished to secrete from hostile savages. These tales being afloat, Crawfish Cave was ransacked as it had never been before. Some parties took rations along and remained underground over night, digging, nosing about, overturning stones, trying to crawl into cracks so narrow that more than one of the adventurers had to be pulled out by his companions. All this, and much more, they did, but while rumors occasionally went abroad of rich "finds," nothing of great moment really was unearthed by the seekers. Undoubted evidences there were that other human beings

had waded up Crawfish Creek long before Alabama Sam, Mr. Hardrider, and the old gentleman found the route, but they left no treasure behind, for the very excellent reason, no doubt, that they had none to leave. Some bones of a human skeleton were found, and near these were picked up an old rusty knife that had lain disused so long the blades could not be induced to open, and a few horn buttons that still defied the ravages of time. The cave dweller, therefore, who had shuffled off this mortal coil in a place so remote from the haunts of men was undoubtedly one of the white race, but why he had chosen to live and die in such a darksome abode not even conjecture could determine.

As the author of this faithful chronicle was journeying not many years ago to Nashville along what is called the Paradise Hill Dirt Pike, in a little broom sedge patch that skirted the highway he came unexpectedly upon Pete Kinchen and Jinal Beauregard. The lad had a consequential look about him, as of one who has experienced surprising adventures, and the dog wore a shiny brass collar that did not completely hide an ugly scar on his neck. As he viewed them curiously in passing the author could not help remarking to himself that he had known many great men swagger and give themselves airs whose claim to distinction was not so well founded as that of Pete Kinchen, and that many a soldier had received for gallant conduct in battle a medal not more faithfully earned than that which adorned the neck of Jinal Beauregard. He bowed respectfully—the author did—in passing, and went upon his way; and from that good hour he has seen no more, and can tell nothing further, of the negro lad and his dog.

As swallows fly round and round a chimney top at close of day, loth to leave the rare atmosphere in which they have disported, and sink altogether from the ken of the world, so do the creatures of the author's imagination at the close of his story continue to circle about him, loth to leave the airy realm of fancy in which they have disported and part company with him and the actual world forever. But having no further excuse for stay he and they must go, and so he makes now his bow, bidding God bless all the kindly readers of his simple narrative and all the wise folk who will not condescend to read it, which two classes taken together—he does himself the honor to believe—must embrace a very considerable number of people. To the scornful and the generous he says a hearty good-by, and ventures in parting to express the hope that they will all journey peacefully hereafter along the highway of

life, experiencing no more vicissitudes than fall to the common lot of travelers, and reach in good time the confines of that country whose laws—if common report be true—are so wisely planned and efficiently administered that its happy citizens feel no need of such an auxiliary organization as

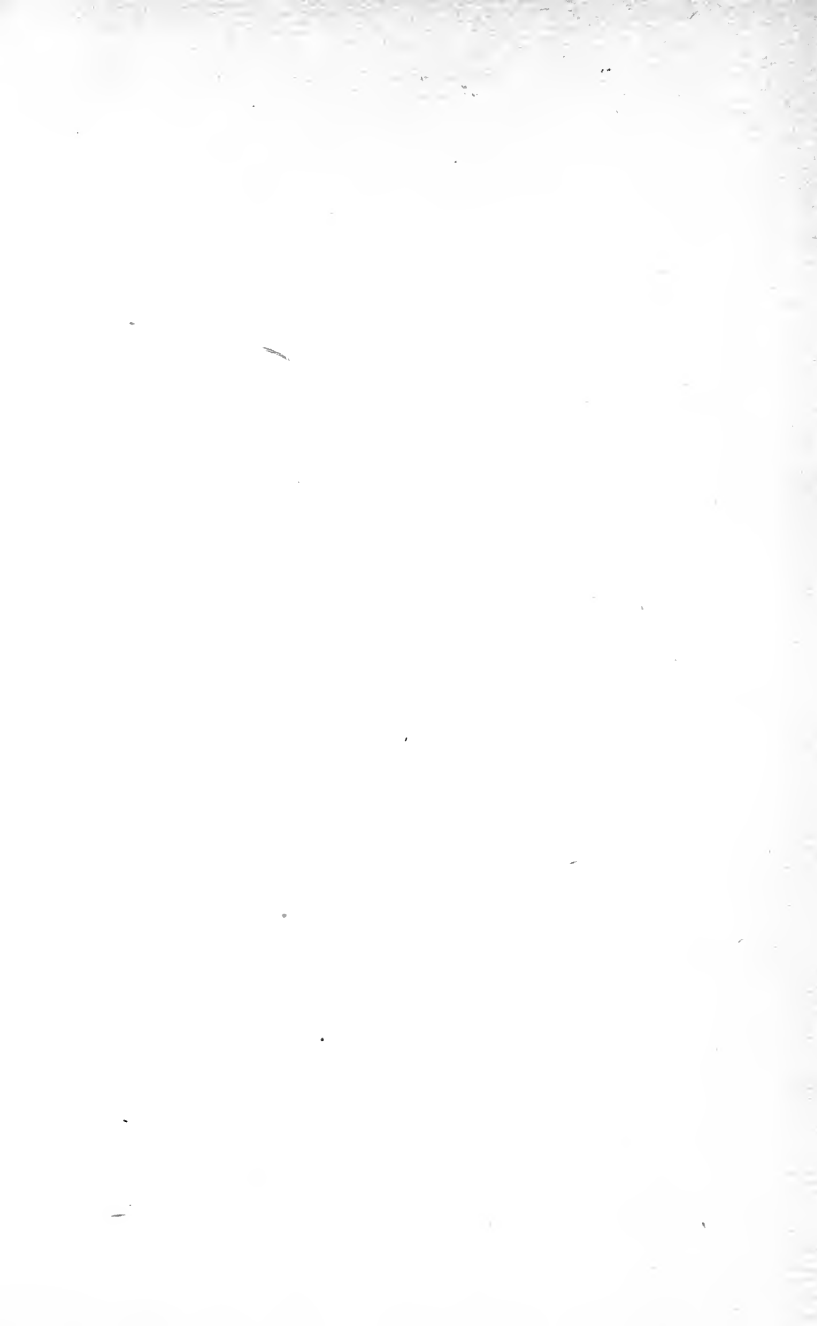
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